Cattle trespass Act, 1871

III / 213-3

INTRODUCTION.

Before the Cattle-trespass Act, 1871 (I of 1871), was passed, the law on the subject was contained in three Acts, viz., Acts III of 1857, V of 1860 and XXII of 1861. These Acts were consolidated by Act I of 1871, in which the arrangement and the wording of the law were improved after taking certain legal decisions into consideration, and also several new features were introduced. These were mainly—

(1) for restricting the aid of police in seizing trespassing cattle to those cases in which a breach of the peace is apprehended,

(2) for authorising the release of impounded cattle on the deposit of the contested amount of fine and other charges,

(3) for widening the range of utilising surplus receipts from the management of cattle pounds,

(4) for prescribing a wider definition of the offence of rescuing impounded cattle, and

(5) for providing for the punishment of a pound-keeper for dereliction of duty.

Important changes were made in the law in 1883 and 1891 in order to prevent increasing trespass of cattle: Local Governments were authorised—

(1) to prescribe the imposition in special localities of heavier penalties for cattle-trespass than were allowed by the general law, and

(2) to provide for penalising the owner of cattle for damage caused by their trespass.

In 1921, it was found that the general scale of fines prescribed in 1871 for cattle-trespass was inadequate. The subject of pounds and prevention of cattle-trespass having become a purely provincial matter on the introduction of the Constitutional Reforms, the Central Legislature amended section 12 of the principal Act by Act XVII of 1921 so as to give discretion to Local Governments to regulate the general scale of fines to be imposed for impounded cattle according to the varying circumstances of each province.

2. All these amendments were made by the Central Legislature. Subsequent amendments have been made by the Provincial Legislature. The Bombay Legislative Council amended the Act in 1924 and 1926. Bombay Act IX of 1924 [the Cattle-trespass (Amendment) Act, 1924] was passed to

remedy the anomaly whereby in areas in which Village Panchayats were established, the village patel, who was *ex-officio* a member of the Panchayat and was, in most cases, the Sarpanch of the Panchayat, controlled himself as pound-keeper. A similar anomaly existed where the police patel or the head of the village was a member of the Panchayat but not the Sarpanch. Bombay Act IV of 1926 was passed to remove this further anomaly. That Act also empowers a local authority managing a cattle pound to appoint its own pound-keeper and to suspend or remove a pound-keeper appointed by itself or by the District Magistrate.

3. All these amendments have been embodied in the Act of 1871 which is reproduced in Part I of the Manual, together with the authority for each amendment.

4. Part II of the Manual contains all important legal decisions, rulings and orders bearing on the subject. This part is divided into five chapters, which are headed as follows :—

CHAPTER I—Powers of Officers.
CHAPTER II—Management of Cattle Pounds (including Levy of Fines).
CHAPTER III—Disposal of Surplus Receipts from the Management of Cattle Pounds.
CHAPTER IV—Transfer of Functions to certain Local Authorities.
CHAPTER V—Miscellaneous.

Rulings and orders which are now obsolete have been weeded out and the Manual has been brought up to date. Care has been taken to quote the authority for every ruling or order and, in order to facilitate the tracing of such authority, an index has been prepared in addition to the usual alphabetical index.

LIST OF ABBREVIATIONS.

C.C. = Crown Cases, Bombay.
C.R. = Criminal Rulings, Bombay.
G.N. = Government Notification, Revenue Department.
G.O. = Government Order, Revenue Department.
G.R. = Government Resolution, Revenue Department.
G.R., F.D. = Government Resolution, Financial (now Finance) Department.
G.N., H.D. = Government Notification, Home Department.
G.O., H.D. = Government Order, Home Department.
G.R., H.D. = Government Resolution, Home Department.
G.N., J.D. = Government Notification, Judicial Department.
G.O., J.D. = Government Order, Judicial Department.
G.R., J.D. = Government Resolution, Judicial Department.
G.N., G.D. = Government Notification, General Department.
G.O., G.D. = Government Order, General Department.
G.R., G.D. = Government Resolution, General Department.
G.I., H.D. = Government of India, Home Department.
L.R. = Remembrancer of Legal Affairs, Bombay.

PART I

Statements of Objects and Reasons underlying Legal Enactments regarding Cattle-trespass, Abstracts of Proceedings underlying them and the Cattle-trespass Act, 1871, as amended, together with a Statement of the Amendments.

Statement of Objects and Reasons underlying the Bill which emerged as the Cattle-trespass Act, 1871 (I of 1871).

The primary object of this Bill is to consolidate the law relating to cattle-trespass, which is now scattered through three Acts—III of 1857, V of 1860, and XXII of 1861. The opportunity has been taken to improve the arrangement and the wording of the law; to provide that damages awarded for illegal seizures may be recovered as if they were fines; and (with reference to the case of *Reg.* vs. *Lingana* bin *Giubana*, 4 Bom. High Court Rep. C. C. 14) to declare expressly that a person who, through neglect, permits a public road to be damaged by allowing his pigs to trespass thereon, is liable to be fined. The cases of *Reg.* vs. *Mir Saheb Cassamia*, 1 Bom. High Court Rep. 100; *Reg.* vs. *Mathur Purshottam*, 4 *ib.* C. C. 13; and *Reg.* vs. *Ganga* kom *Mhasu*, 5 *ib.* C. C. 13, have also been carefully considered.

Statement of Objects and Reasons underlying the Bill which emerged as the Cattle-trespass (Amendment) Act, 1891 (I of 1891).

It has been repeatedly represented to the Government of India that the provisions of the Cattle-trespass Act, 1871, are insufficient to meet the case of cattle which are not only not prevented from trespassing but are actually, in some parts of the country, encouraged by their owners to do so.

Renewed representations from Southern India and Behar, as well as reports from Western India, have recently been received by the Government of India, and it has now been decided to introduce this Bill for the purpose of authorising Local Governments to prescribe the imposition, in special localities, of heavier penalties for cattle-trespass than are allowed by the general law.

Statement of Objects and Reasons underlying the Bill which emerged as the Cattle-trespass (Amendment) Act, 1921 (XVII of 1921).

The object of the Bill is to amend section 12 of the Cattle-trespass Act, 1871 (I of 1871), so as to give discretion to the Local Governments to regulate the scale of fines to be imposed for the cattle impounded, according to the varying circumstances of each province, by notifications to be issued from time

to time. At present a fixed scale is laid down, and Local Governments can only vary the fines by doubling them in the case of habitual trespass. The scale was fixed in 1871, and is regarded as now out of date. It is further considered that control over the scale of fines to be levied should in this respect be devolved upon Local Governments, so as to afford greater elasticity in the administration of the Act.

Statement of Objects and Reasons underlying the Bill which emerged as the Cattle-trespass (Amendment) Act, 1924 (Bom. IX of 1924).

Under section 6 of the Cattle-trespass Act, 1871 (I of 1871), the police patils, or (where there are no police patils) the heads of villages are *ex officio* keepers of village pounds. Owing to the transfer in 1921 of the functions of the District Magistrate under sections 5, 6, 12, 14 and 17 of the Act to village panchayats constituted under the Bombay Village Panchayats Act, 1920, village pounds are controlled and pound-keepers are appointed by the village panchayats. The result is that in areas in which village panchayats have been established under Bombay Act IX of 1920, the village patil, who is *ex officio* a member of the panchayat and is, in most cases, the Sarpanch of the panchayat, controls himself as pound-keeper. The object of this Bill is to remedy this anomaly.

Statement of Objects and Reasons underlying the Cattle-trespass (Amendment) Act, 1926 (Bom. IV of 1926).

Bombay Act IX of 1924 [the Cattle-trespass (Amendment) Act, 1924] was passed to remedy the anomaly whereby in areas in which Village Panchayats were established under Bombay Act IX of 1920, the village patil, who, under the proviso to section 6 of Act I of 1871, as it stood before its amendment by Bombay Act IX of 1924, was *ex officio* a member of the panchayat and was, in most cases, the Sarpanch of the panchayat, controlled himself as pound-keeper. A similar anomaly exists where the police patil or the head of the village is a member of the panchayat, and the object of proviso (*a*) in the Bill is to remove this further anomaly. In drafting the proviso, the wording of section 2 of Bombay Act IX of 1924 has been repeated where necessary to facilitate drafting.

The Bill also provides that in local areas in which the functions of the District Magistrate under section 6 of the

Cattle-trespass Act, 1871, are transferred to the local authority, the local authority may appoint another person than the police patel to be pound-keeper. This provision is necessary for the proper exercise of their powers under the said section by the local authorities to whom such powers have been transferred.

As a corollary to the above, the Bill also provides that in local areas in which the functions of the District Magistrate are transferred to the local authority, the pound-keeper may be suspended or removed by the local authority, whether appointed by the District Magistrate before such transfer of functions or by the local authority thereafter. The same power to suspend or remove pound-keepers is conferred on the village panchayats in respect of pound-keepers appointed by them.

Abstract of Proceedings of the Imperial Legislative Council underlying the Bill which emerged as the Cattle-trespass Act, 1871.

20th September 1870.

The Honourable Mr. Cockerell moved for leave to introduce a Bill to consolidate the law relating to cattle-trespass. This also was a purely consolidation measure.

The principle, as he understood it, on which the general scheme of consolidation was being carried out, was that it was to be applied to all enactments, of which there were more than two on the Statute-book relating to the same subject and in operation exclusively within the same local limits.

The law regarding cattle-trespass was contained in Act III of 1857 and its amending Acts V of 1860, and XXII of 1861.

It was now proposed to re-enact in a consolidated form, for facility of reference, and without any material amendment, the extent provisions of those three enactments.

Leave was granted.

* * * *

13th January 1871.

The Honourable Mr. Cockerell moved that the report of the Select Committee on the Bill to consolidate the law relating to Cattle-trespass be taken into consideration. He said that the amendments proposed by the Select Committee related almost entirely to matters of detail, and were chiefly in the direction of giving a greater latitude to the action of the local authorities in the working of the Act by relaxing the somewhat minute restrictions of the existing law in regard to such matters

as the authority under which, and the places where, pounds may be established; the persons to whom the fact of impounded cattle remaining unclaimed should be reported; the manner in which such cattle should be disposed of; the determination of the place at which, and the persons by whom, the sale of cattle should be held, and the mode of transmitting to the Magistrate the proceeds of such sale; and lastly, the persons by whom trespassing cattle may be conveyed to, or taken out of, a pound.

The grounds on which the amended provisions of the Bill in regard to these matters rested were so obvious as to need no further comment. He (Mr. Cockerell) passed on therefore to notice the other proposed changes.

As the law then stood, police officers were under an obligation to aid in the seizure of trespassing cattle whenever they might be required by the seizer to render such assistance. The want of some restriction in this matter had been found to lead to great abuse in the indiscriminate employment of the police in the conveyance of seized cattle to the pound. The intention of the law obviously was simply to prevent a breach of the peace resulting from resistance to attempted seizures, or attempts to rescue cattle which had been seized whilst they were being conveyed to the pound. In the amended Bill (section 10) compliance with requisitions for the aid of the police was limited to the above contingency.

As the postponement of the sale of impounded cattle, the owner of which had brought a complaint before the Magistrate alleging the illegality of their seizure, and on that account declined to pay the fines and expenses incurred, frequently caused the feeding charges resulting from the protracted detention of the cattle to exceed the amount recoverable by their sale, it was thought expedient to provide (section 15) that the cattle might be released on the deposit, pending the decision of the Magistrate on the owner's complaint, of the amount due on account of the fine and other charges.

In the event of the owner refusing or neglecting to make the required deposit, the cattle would be dealt with as if they were unclaimed.

The appropriation of surplus fines and unclaimed proceeds of the sale of impounded cattle was, by the then existing law, limited to expenditure on the construction of roads and bridges and works of a *like* nature. This restriction was found inconvenient, and rested upon no intelligible principle: it was therefore proposed to allow the application of funds derived from this source to any purpose of public utility.

The word "forcibly", which occurred in the corresponding provision of the then existing law, was omitted from the second clause of section 24 of the amended Bill. It was represented that the release of seized cattle was more frequently effected by stratagem than by force, and it was thought expedient that any form of rescue should be made a criminal offence. At the same time, to prevent this alteration of the law working harshly in any case, it was provided that, in order to constitute the offence of "rescue," there must be some person in charge of the seized cattle, doing some overt act in furtherance of the object of the seizure.

Section 27 of the amended Bill, which provided for the punishment of a pound-keeper convicted of dereliction of duty with fine up to fifty rupees, was new. There was no corresponding provision in the existing law. Elsewhere in the Bill the pound-keeper was declared to be a public servant within the meaning of the Penal Code, and was thus made punishable under the general law for any graver offence in connection with his office; but it was thought desirable that there should be some means of awarding punishment, other than dismissal, for such acts or omissions as were specified in this section, and especially for neglect to take proper care of cattle committed to his charge. At present, the only remedy that the owner had in such cases was a suit against the pound-keeper in the Civil Court, a remedy which was, for obvious reasons, insufficient and unsuited to the circumstances of the case.

There were other minor amendments which called for no special remarks.

It had been suggested that the provisions of section 26 relating to the punishment of an owner who through negligence causes damage to land, roads, etc., by allowing his pigs to trespass thereon should be extended so as to include the case of other trespassing cattle.

After a careful consideration of the matter the suggestion was not adopted. Section 26 was thought to involve a wrong principle, the operation of which should not be extended. There were peculiar difficulties in the way of seizing and conveying pigs to a pound, and it was probably this consideration which had led to the original enactment of the special provision of the law in regard to them, and the omission to include them in the list of animals in respect of which a pound-fine was leviable. The injury sustained in such cases was a civil injury, properly referable, for the purpose of obtaining redress, to the Civil Court and not to the Magistrate; for the act or omission by which such injury was caused was quite compatible with the

exercise of good faith, and ought not, therefore, to be dealt with as a criminal offence. It might be said that the fine inflicted in such cases was to be regarded simply as an award of damages; but in that case the Civil Court was the fittest place of the adjudication of the questions which had to be considered in determining such award.

Abstract of Proceedings of the Imperial Legislative Council underlying the Bill which emerged as the Cattle-trespass (Amendment) Act, 1891.

3rd July 1890.

The Honourable Mr. Hutchins moved for leave to introduce a Bill to amend the Cattle-trespass Act, 1871. He said :—

"For many years complaints have been made, particularly by planters, that the protection which the Act of 1871 affords is very inadequate. There is a special provision as regards pigs in section 26, but for other animals the Act does no more than permit occupiers of land to seize cattle found trespassing and convey them to the pound, from which they are not released until a small fine has been paid, varying from eight annas for a buffalo to one anna for a sheep or goat. This throws much trouble on the person injured, while the owners of the cattle causing the damage escape altogether upon payment of a very trifling fine. It is true that they might also be sued for compensation in a Civil Court, but, if the damage done has been considerable and a suit is anticipated, the real owner generally puts forward some man of straw to redeem the cattle from the pound, and this makes it very difficult to establish his responsibility. In rural tracts the procedure provided by the Act answers well enough: the cattle are all known, as well as those to whom they belong, and nearly every owner of cattle has his own crops to think of as well as those of his neighbours. But in planting districts as well as near towns, the case is widely different.

"The practice in Coorg is to tie up all cattle during the day time in order to secure their manure, but to let them roam about at night and find pasture where they can. In Assam the cultivators are careful to watch and tend their cattle so long as they have growing crops of their own, but as soon as their rice has been harvested the animals are turned loose untended; and they do much damage, the buffaloes especially, by trespassing in the tea gardens. The fact that they can be restrained when it is for the raiyat's

advantage to restrain them makes it reasonable to insist on his responsibility when he neglects to do so. The fear of having to pay pound-fees has little effect: the animals can seldom be caught, and if by chance one here and there is seized and impounded, the fine is too small to be deterrent.

"But it is not the planters only who are aggrieved. In 1886 the Raja of Bhinga in Oudh complained to the Deputy Commissioner of the 'nightly devastations committed on his tenants' crops by semi-wild cattle belonging to some residents of the neighbouring town'. 'They live,' he said, 'in ever-constant dread that in a single night their whole year's labour and expectations may be brought to nought'. And similar representations have come from all parts of the country. In Nagpur, for instance, it is represented to be the general practice of the cowherds deliberately to turn their cows and buffaloes into private compounds at night, and doubtless the occupiers of the neighbouring fields suffer in the same way. You may see the cows, it is said, run into their owner's premises and the herdsman in attendance, but under the present law your only remedy is a tedious and expensive law suit. In another place, Orissa I believe, the cattle are actually trained to trespass and to take to their heels as soon as a note of warning is sounded by a man who remains at a safe distance.

"In view of these facts the Government of India in 1888 resolved to amend the law, as I propose to amend it now, by empowering Local Governments, in any area where cattle are thus wantonly allowed to stray and trespass, (1) to increase the fines leviable for animals impounded, and (2) to extend to other animals the special provision made in section 26 for the case of pigs. This section provides that—

> Any owner or keeper of pigs, who, through neglect or otherwise, damages or causes or permits to be damaged any land, or any crop or produce of land, or any public road, by allowing such pigs to trespass thereon, shall * * * * * * be punished with fine not exceeding ten rupees.'

"In other words, in the case of pigs damage by negligence has been recognised as a ground for criminal liability cognizable by a Magistrate in a summary manner, whereas similar damage caused by other cattle involves only a civil liability and constitutes a ground for civil action. The reason advanced by the Honourable Mr. Cockerell, in submitting the Select Committee's Report in 1871, was that there are peculiar difficulties in the way of seizing pigs and also of conveying them to the pound, but there are at least equal difficulties in regard to the capture of the trained or semi-wild cattle which cause so much mischief in Coorg, Assam,

Nagpur, Orissa and other parts of the country. Such cattle are quite as mischievous, quite as agile and quite as difficult to seize as pigs, and it seems necessary to treat them in the same way.

"It has been said that those who complain ought to fence their properties, but no ordinary fencing would keep out the active cattle in question. The lighter animals will jump almost anything; the heavy buffalo crashes through any ordinary obstacle. Anyone who, like myself, has seen a strong fence of barbed wire completely wrecked by a *sambhar* plunging through it, would at once cease to urge this objection.

"Proposals for a local Regulation have been received both from Coorg and Assam and a Bill to the same effect as that which I am about to lay on the table has been lately introduced into the Legislative Council of the Government of Bombay, in order to check the ravages committed by cattle in Gujarat and some other parts of that Presidency. But the Act to be amended is an Imperial Act, and it does not seem right to pass on to a Provincial Legislature the duty of making it effectual. The mischief exists in special parts of almost every Province, and this Council alone can make provision for them all.

"I have stated that as long ago as 1888 the Government of India at one time determined on legislation of the same character as that which I propose. It was, however, dropped for two reasons—on account of the difficulty of identifying the cattle or herdsmen, and thus bringing home the damage to the right persons; and because it was supposed that the amendments would not meet the requirements of the planters and others who had made special representations. As to the latter objection I have here a general memorial from representatives of all the planters of India, both Northern and Southern India, unanimously praying for the extension of section 26 to other animals than pigs and accepting this single amendment as all that they require; and the former objection is only the latter in another shape—it was because it was thought that the owners could not be identified that the amendment was deemed insufficient. It might therefore be enough to say that it has now been accepted as sufficient—at all events by the planters; but I may add that the very fact that the unfortunate occupier of the land will now have an easy remedy will induce him to take measures to secure the identification of trespassing cattle which he has not hitherto found it worth while to take.

"The main provision of my Bill, then, is to enable Local Governments in special areas to extend to other cattle the section which now applies only to pigs, and at the same time to raise the penalty from 10 to 25 rupees. But, in order to make this effectual by reaching the owner, I propose further to insert certain words in section 25, which authorizes the recovery of any fine imposed for mischief by sale of the cattle which cause the damage. Mischief implies an intention to cause wrongful loss or damage; but the keeper of cattle in this country is very generally a child of tender years and almost certainly a pauper. Proof of the offence of mischief against a child must always be difficult, while it would be useless to take proceedings against a pauper cowherd unless the fine could be enforced against the owner by sale of the animals. This will be secured by the third section of my Bill.

"By the second section Local Governments are empowered in special areas to raise the fines on impounded cattle to double the scale prescribed by the Act. But even these sums are very trifling, particularly in comparison with those which it has been found necessary to impose by the Forest Act on cattle trespassing on reserved forests. To prevent possibility of hardship I have reserved power to the magistracy to remit any amount above the fees laid down in the Act, and in view of this safeguard I am not sure that a higher maximum than double the standard scale might not be authorised. This, however, can be considered in due course by the Select Committee."

The Motion was put and agreed to.

The Honourable Mr. Hutchins also introduced the Bill.

* * * * *

30th January 1891

The Honourable Mr. Hutchnis moved that the Report of the Select Committee on the Bill to amend the Cattle-trespass Act, 1871, be taken into consideration. He said:—

"When I introduced this Bill I explained at length the reasons which have induced the Government of India to undertake an amendment of the Cattle-trespass Act of 1871, and it does not seem necessary that I should recapitulate them afresh. The Council will remember that frequent complaints had reached us from many parts of India that the present law affords very inadequate protection to landholders against agile and semi-wild cattle which are habitually turned out without any sort of restraint to find

pasture where they can. This difficulty will be met by section 8 of the Bill as now amended, which empowers Local Governments to extend to other cattle in particular localities the remedy which the Act has already provided generally against damage done by pigs. At the same time the Local Government may increase the maximum fine, which in the case of pigs is only ten rupees, to fifty rupees. The sum fixed in the Bill as originally drafted was twenty-five rupees, but the Select Committee considered that this would hardly meet such a case as that of trespass by a large herd of buffaloes. The Government of Bombay and Bengal advised a maximum of one hundred rupees, but we preferred to adopt the more moderate figure suggested from Madras, Coorg and other places. We thought that in those extreme cases where fifty rupees would not afford adequate compensation, the injured party might reasonably be left to prosecute his civil remedy.

"The substitution of cattle for pigs was proposed and rejected in 1871, but only as a general provision to have universal application throughout India. As a general rule, I am glad to say that it is still uncalled for, but the opinions submitted with regard to the Bill strongly confirm the conclusion at which we have arrived, that there are many parts of the country in which agriculturists require some more effective protection against the tyranny or recklessness of cattle-owners. In my introductory speech I gave instances from Coorg, from Assam, from Bhinga, from Nagpur and from Orissa; but because some of these places contained planters, and because I mentioned that the most vigorous complaints had emanated from Planting Associations, the Government of India have been accused of promoting legislation in the exclusive interests of a particular class. I will therefore take leave to read to the Council a few of the opinions regarding this particular provision of the Bill, eschewing all places where there are planters or which I mentioned before.

"The first extract which comes to my hand is from the Judicial Commissioner of Oudh, an officer of very great experience. He says:—

'The amendments are in my opinion called for by the inadequacy of the present Act to meet the numerous cases of intentional cattle-trespass which are met with in Oudh, and I doubt not elsewhere. Every District Magistrate will be at one in the opinion that owners of cattle often adopt this measure to repay injury inflicted or in retaliation for a similar trespass on their lands.'

"The next is from Bombay, but the Council are already aware that the Government of that presidency had found

it necessary to introduce a Bill of their own on precisely the same lines as this section. The ravages of cattle had become an intolerable nuisance in the raiyatwari districts of Kaira and Ahmedabad, where there are neither planters nor zamindars.

"There are planters in Malabar and the Nilgiris; so I pass them by. No; I think I must read one short remark made by the Magistrate of the Nilgiris. He says:—

'It is notorious that the cattle-owners in this district, who make a trade of trespass, openly boast that the advantages derived by their herds from nocturnal forays on private estates far outweigh the fines now leviable by the pound-keepers.'

"A Deputy Commissioner in the Punjab writes:—

'The practice of deliberately turning buffaloes into crops has been observed by me in several places, particularly in the neighbourhood of large cities. I remember that great complaints used to be made in the neighbourhood of Delhi against the Gujars on this head. The owners of the injured fields found it impossible to catch and impound the buffaloes. I think there can be no doubt that there is a necessity for making the law of cattle-trespass more stringent.'

"The next extracts which I have made relate to the North West Provinces. The Deputy Commissioner of Gonda thinks that—

'The addition to section 26 should be extended to the whole of the district and that cattle should be held to include goats and sheep. Goats especially are a great pests as trespassers. They commit great ravages on crops, and especially on young trees, and while the public complain loudly of the damage thus done they are not willing, for obvious reasons, to go to the Civil Courts for damages.'

"And again—

'It has been lately ascertained that the suburban *gwalas* of Benares deliberately let out all their cows at or soon after dusk when the green rabi crops are standing: the cattle wander away into the fields and fill themselves with green barley: when detected, they are driven to the pound and cheerfully reclaimed by their owners next morning. The men who do this are well-known: they deserve to be treated severely.'

"And here is another extract:—

'It is not so much that there are "special localities" in this district where cattle-trespass is encouraged by the owners, for the offence is rampant and universal, but the places which have come more particularly under my notice are Nimkhar and Sitapur itself. The practice is for owners to turn their cattle loose at night to graze. The herd return in the morning to their homes, where the calves of the cows are always kept tied up; so the cattle are bound to come back. Thakurs, Brahmans, zamindars are the chief sinners. It is another instance of the oppression and tyranny exercised by the zamindars over their tenantry. The latter dare do nothing but wail.'

"But not to be further tedious, I will only select two more from the numerous extracts which I hold in my hand, and I choose these simply because they are the opinions of Native officers. Mr. Dutt writes from Burdwan that—

'Cattle are habitually allowed to trespass by particular cattle-owners of more than ordinary influence in a village.'

"And Mr. Gupta, District Judge of Cuttack, has submitted a most important report, in which he enters into the whole case. According to his experience—

'It is the general habit of villagers to let loose their cattle with the fullest knowledge and of set purpose that they might fatten on other people's pasture or

crops. In East Bengal this pernicious practice largely prevails, and is the cause of many a murderous riot. Again and again it was proved before me in criminal cases that cattle were turned out by day and often at dead of night to feed on the *kalai* or paddy crops of others. It is extremely difficult to seize all trespassing cattle. One or two may be secured, but the herd usually escape. It is equally difficult to prove deliberate or intentional turning out of cattle on others' lands and intention must be proved to secure a conviction for mischief under section 426, Penal Code. Section 289 of the Penal Code deals with the negligent owner of an animal dangerous to human life. For negligently letting loose herds of bullocks or buffaloes, even though with the certain knowledge that they would destroy crops, there seems to be no penalty in the law.

'The provisions of section 26 of the Act, amended as proposed, would for the first time supply this omission, and remedy what is now often felt to be a great grievance.'

"It is this danger of affrays which makes the provision of a prompt and summary remedy most imperative, and in petty cases the Magistrate seems to be the proper person to deal with the whole subject. It is quite true, speaking generally, that trespass may result from mere accident and not be inconsistent with good faith and a reasonable respect for the rights of cultivators, but this can hardly be predicated of those exceptional places to which alone this particular provision will be applied: where there is a practice of turning out cattle with the full knowledge that they will feed on crops or garden produce, and generally with the deliberate intention that they shall do so, there is ample justification for a special measure requiring all owners of cattle to keep their beasts under restraint; and, if, with a full knowledge of the probable consequences, any of them omits to do so, I submit that he will be guilty of gross and criminal negligence and that it is not unreasonable to permit his prosecution in the Criminal Courts.

"The only other material amendment which was included in the original Bill is that now contained in section 5. The effect of this will be to enable Local Governments to double the pound-fees in local areas where cattle are habitually allowed to trespass. When I introduced the Bill I pointed out that even double fines would be a very trifling punishment, ranging as they would from one rupee for a buffalo to a couple of annas for that most mischievous animal, a goat; and I also intimated that, in view of the fact that to prevent the possibility of hardship I had reserved power to the Magistracy to remit any amount above the scale of fees prescribed by the Act, I was disposed to think that even a higher maximum than double the standard scale might be permitted. Many authorities supported this suggestion and were in favour of allowing Government to go as high as four times the standard fees; but at the same time strong exception was taken, particularly in Bengal, to the clause reserving power to remit, on the very intelligible ground

that it would multiply a trivial class of appeals and prolong disputes unnecessarily. The Committee felt the force of these objections, and after discussion we came to the conclusion that it would be better to withdraw the clause relating to remissions and not to enhance the maximum rates beyond what had been originally, proposed. In our opinion the maximum of double fees cannot be regarded as oppressive, and there is really no more reason for providing for a remission of enhanced fees, in those exceptional localities for which they will be sanctioned, than there is for allowing a reduction of the ordinary standard fees elsewhere.

"In the first section of the Bill the Committee has made one slight alteration, which is perhaps of sufficient importance to deserve special notice. Although the Cattle-trespass Act was generally applied in the first instance, power was reserved to Local Governments with the sanction of the Government of India to exclude any special areas from its operation. We thought it unnecessary to retain the words requiring the previous sanction of the Governor General in Council, and henceforth the power of exclusion will be left to the unfettered discretion of Local Governments.

"So much, my Lord, for the provisions of the Bill as introduced. Honourable Members, however, will not have failed to notice that it has grown in the hands of the Select Committee from five to thirteen sections, and I have now to explain the eight new sections which have been introduced. Two of these, sections 2 and 9, merely reproduce Act XVIII of 1883, which was substantially an Act to amend the Act of 1871, but not expressly made part of it. We took into consideration the expediency of revising and re-enacting the whole of the old Act; but it seemed sufficient to re-enact the Act of 1883, and to provide for its incorporation together with the new provisions into the Act of 1871, a reprint of which in its amended form will now be promulgated. Section 11 makes a consequential amendment in the Cantonments Act, and sections 10 and 12 also are merely formal.

"Three other new sections remain, and their object is to provide for the suppression of an objectional practice, represented as prevailing in some parts of India, of detaining in unauthorized places cattle which ought to be sent to the public pounds. Unlike the original provisions of the Bill, which aimed at the protection of cultivators against depredations by cattle, these sections are designed to secure the owners of cattle against anything like extortion on the part of landowners who may have lawfully seized their animals.

The right to seize cattle trespassing is given by Statute, and is necessarily limited by the conditions prescribed in the enactment by which it has been conferred. This is section 10 of the existing Act, where the power to seize animals is coupled with a power to take them without unnecessary delay to the place appointed as a pound. A planter or other person who may find cattle straying on his land may lawfully seize them, but he has no right to keep them longer than is reasonably necessary to enable him to send them to the Government pound. We are told, however, that in Assam—and similar complaints come from Manbhoom and other parts of the country also—it is not unusual for the seizer to keep animals tied up at his residence or other unauthorized place until they are redeemed by payment of such sum as he chooses to demand. Such conduct is clearly illegal, and it is not unlikely to lead to breaches of the peace, as it is conceivable that the owner of the cattle might consider himself warranted in attempting their removal by force. We need not insist on cattle being sent to a distant pound if both parties choose to compound the matter amicably, but it is intolerable that any private person should set up what is practically a private pound or extort fees which have no legal sanction. Accordingly we proposed to amend sections 10 and 11 of the Act by limiting the period of detention to twenty-four hours, and we have also extended the scope of Chapter V, which now applies only to cases of illegal seizure, so as to empower the Magistracy to take summary cognizance of complaints of longer detention than twenty-four hours, or indeed of any illegal detention.

"This will remove one of the two substantial grievances which I have seen put forward on behalf of cattle-owners, and the other does not appear to me to be one for which the Legislature is in any way responsible. I allude to the system of farming out pounds, which at first sight certainly seems to hold out direct encouragement to the contractor to abet or connive at illegal seizure. This system is not recognized by the Cattle-trespass Act, and I think it is opposed to the spirit of the Act, though it may not be expressly prohibited, I propose to address Local Governments in the Home Department in view to suppress the practice wherever it may be found to prevail. As far as I know at present it is confined to certain parts of the Bengal.

"I trust I have now made it clear that the object of the Bill was not, and that its effect will not be, to place the owners of cattle at any disadvantage. While we hold them

responsible for damage caused by their gross and wilful neglect and provide a prompt and summary remedy against them in places where such neglect is shown to be habitual and such remedy may seem to be called for, we have at the same time done our best to remove every substantial grievance of which they have complained. It has indeed been urged that we ought to make pound-keepers responsible for the proper feeding of animals entrusted to their charge, but those who have put forward this complaint must have forgotten to refer to the Act. Under section 27 any pound-keeper omitting to provide impounded cattle with sufficient food and water, or failing to perform any other duty imposed on him by the Act, becomes liable to a fine of fifty rupees. Wrongful seizure is also summarily punishable, as I have already had occasion to mention."

The Motion was put and agreed to.

The Honourable Mr. Hutchins also moved that the Bill, as amended, be passed.

The Motion was put and agreed to.

[Abstracts of proceedings underlying the other amending Acts have not been reproduced here in view of the full Statements of Objects and Reasons relating thereto, which have been reproduced *supra*.]

Statement of Amendments of the Cattle-trespass Act, 1871.

Section or Chapter amended.	Nature of the amendment.	Authority for the amendment.
Section 1	New section substituted.	Sec. 1, Act I of 1891.
Section 3	Added to ..	Sec. 2, Act I of 1891.
Section 6	Added to ..	Sec. 2, Bom. Act IV of 1926.
Section 10	Modified ..	Sec. 3, Act I of 1891.
Section 11	Modified ..	Sec. 4, Act I of 1891.
Section 12	New section substituted.	Sec. 2, Act XVII of 1921.
Chapter V	New Chapter substituted.	Sec. 6, Act I of 1891.
Section 25	Modified ..	Sec. 7, Act I of 1891.
Section 26	Added to ..	Sec. 8, Act I of 1891.
Chapter VIII ..	Newly inserted ..	Sec. 9, Act I of 1891.

CONTENTS OF THE CATTLE-TRESPASS ACT, 1871, AS AMENDED.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Title and extent.
2. Repeal of Acts.
   References to repealed Acts.
3. Interpretation-clause.

CHAPTER II.

POUNDS AND POUND-KEEPERS.

4. Establishment of pounds.
5. Control of pounds.
   Rates of charge for feeding impounded cattle.
6. Appointment of pound-keepers.
   Ex-officio pound-keepers in Madras and Bombay.
   Suspension or removal of pound-keepers.
   Pound-keepers may hold other offices.
   Pound-keepers to be "public servants".

Duties of Pound-keepers.

7. To keep registers and furnish returns.
8. To register seizures.
9. To take charge of and feed cattle.

CHAPTER III.

IMPOUNDING CATTLE.

10. Cattle damaging land.
    Police to aid seizures.
11. Cattle damaging public roads, canals and embankments.
12. Fines for cattle impounded.
    List of fines and charges for feeding.

CHAPTER IV.

DELIVERY OR SALE OF CATTLE.

13. Procedure when owner claims the cattle and pays fines and charges.
14. Procedure if cattle be not claimed within a week.
15. Delivery to owner disputing legality of seizure, but making deposit.

SECTIONS
16. Procedure when owner refuses or omits to pay the fines and expenses.
Deduction of fines and expenses.
Delivery of unsold cattle and balance of proceeds.
Receipts.
17. Disposal of fines, expenses and surplus proceeds of sale.
18. Application of fines and unclaimed proceeds of sales.
19. Officers and pound-keepers not to purchase cattle at sales under Act.
Pound-keepers when not to release impounded cattle.

CHAPTER V.

COMPLAINTS OF ILLEGAL SEIZURE OF DETENTION.

20. Power to make complaints.
21. Procedure on complaint.
22. Compensation for illegal seizure or detention.
Release of cattle.
23. Recovery of compensation.

CHAPTER VI.

PENALTIES.

24. Penalty for forcibly opposing the seizure of cattle or rescuing the same.
25. Recovery of penalty for mischief committed by causing cattle to trespass.
26. Penalty for damage caused to land or crops or public roads by pigs.
27. Penalty on pound-keeper failing to perform duties.
28. Application of fines recovered under section 25, 26 or 27.

CHAPTER VII.

SUITS FOR COMPENSATION.

29. Saving of right to sue for compensation.
30. Set-off.

CHAPTER VIII.

SUPPLEMENTAL.

31. Power for Local Government to transfer certain functions to local authority and direct credit of surplus receipts to local funds.

SCHEDULE.

ACT No. I OF 1871.

An Act to consolidate and amend the law relating to Trespasses by Cattle.

WHEREAS it is expedient to consolidate and amend the law relating to trespasses by cattle; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

*1. (*1*) This Act may be called the Cattle-trespass Act, 1871; and Title and extent.

(*2*) It extends to the whole of British India except the Presidency-towns and such local areas as the Local Government, by notification in the official Gazette, may from time to time exclude from its operation;

(*3*) The Local Government may at any time, by notification in the official *Gazette*, cancel or vary a notification under sub-section (*2*).

2. The Acts mentioned in the schedule hereto annexed are repealed. Repeal of Acts.

References to any of the said Acts in Acts passed subsequently thereto shall be read as if made to this Act. References to repealed Acts.

All pounds established, pound-keepers appointed and villages determined under Act No. III of 1857† (*relating to trespasses by cattle*), shall be deemed to be respectively established, appointed and determined under this Act.

3. In this Act:— Interpretation-clause.

" officer of police " includes also village watchman, and

---

* This section was substituted for the original section 1 by the Cattle-trespass Act (1871) Amendment Act, 1891 (I of 1891), s. 1 [General Acts, Vol. VI, p. 1].

† Act III of 1857 is repealed by this Act—*see* Schedule.

"cattle" includes also elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and* kids,* and

"local authority" means any body of persons for the time being invested by law with the control and administration of any matters within a specified local area, and

"local fund" means any fund under the control or management of a local authority.

CHAPTER II.

POUNDS AND POUND-KEEPERS.

Establishment of pounds.

4. Pounds shall be established at such places as the Magistrate of the District, subject to the general control of the Local Government, from time to time directs.

The village by which every pound is to be used shall be determined by the Magistrate of the District.

Control of pounds. Rates of charge for feeding impounded cattle.

5. The pounds shall be under the control of the Magistrate of the District; and he shall fix, and may from time to time alter, the rates of charge for feeding and watering impounded cattle.

Appointment of pound-keepers.

6. The Magistrate of the District shall also appoint for each pound a pound-keeper:

Ex-officio pound-keepers in Madras and Bombay.

Provided that, in the Presidency of Fort St. George, the heads of villages, and, in the Presidency of Bombay, the police patils, or (where there are no police patils) the heads of villages, shall be *ex-officio* the keepers of village-pounds.

†[Provided further that in the Presidency of Bombay:—

(*a*) in any local area which has been declared to be a village under clause (*a*) of section 3 of the Bombay Village Panchayats Act, 1920, when the police patil, or the head of the village, is the

* These words were added to s. 3 by the Cattle-trespass Act (1871) Amendment Act, 1891 (I of 1891), s. 2 [General Acts, Vol. VI, p. 1].

† Added by the Cattle-trespass (Amendment) Act, 1926 (Bom. IV of 1926).

Sarpanch or a member of the Panchayat, the Panchayat may appoint another person to be pound-keeper;

(*b*) in any local area in which the functions of the Magistrate of the District under this section are transferred to the local authority, the local authority may appoint another person to be pound-keeper.]

Every pound-keeper appointed by the Magistrate of the District may be suspended or removed by such Magistrate *[or, in the Presidency of Bombay, in any local area in which the functions of the Magistrate of the District under this section are transferred to the local authority, by such local authority; and in the said Presidency, every pound-keeper appointed by a Panchayat may be suspended or removed by such Panchayat.] **Suspension or removal of pound-keepers.**

Any pound-keeper may hold simultaneously any other office under Government. **Pound-keepers may hold other offices.**

Every pound-keeper shall be deemed a public servant within the meaning of the Indian Penal Code. **Pound-keepers to be "public servants".**

XLV of 1860.

Duties of Pound-keepers.

7. Every pound-keeper shall keep such registers and furnish such returns as the Local Government from time to time directs. **To keep registers and furnish returns.**

8. When cattle are brought to a pound, the pound-keeper shall enter in his register— **To register seizures.**

(*a*) the number and description of the animals,

(*b*) the day and hour on and at which they were so brought,

(*c*) the name and residence of the seizer, and

(*d*) the name and residence of the owner, if known,

and shall give the seizer or his agent a copy of the entry.

9. The pound-keepers shall take charge of, feed and water the cattle until they are disposed of as hereinafter directed. **To take charge of and feed cattle.**

*Added by the Cattle-trespass (Amendment) Act, 1926 (Bom. IV of 1926).

CHAPTER III.

IMPOUNDING CATTLE.

Cattle damaging land.

10. The cultivator or occupier of any land,

or any person who has advanced cash for the cultivation of the crop or produce on any land,

or the vendee or mortgagee of such crop or produce, or any part thereof,

may seize or cause to be seized any cattle trespassing on such land, and doing damage thereto or to any crop or produce thereon, and *[send them or cause them to be sent within twenty-four hours] to the pound established for the village in which the land is situate.

Police to aid seizures.

All officers of police shall when required, aid in preventing (*a*) resistance of such seizures, and (*b*) rescues from persons making such seizures.

Cattle damaging public roads, canals and embankments.

† **11.** Persons in charge of public roads, pleasure-grounds, plantations, canals, drainage-works, embankments and the like, and officers of police, may seize, or cause to be seized, any cattle doing damage to such roads, grounds, plantations, canals, drainge-works, embankments and the like, or the sides or slopes of such roads, canals, drainage-works or embankments, or found straying thereon,

and shall ‡[send them or cause them to be sent within twenty-four hours] to the nearest pound.

Fines for cattle impounded.

12. For every head of cattle impounded as aforesaid, the pound-keeper shall levy a fine in accordance with the scale for the time being prescribed by the Local Government in this behalf by notification

---

* These words in section 10 were substituted for the words "take them or cause them to be taken without unnecessary delay" by the Cattle-trespass Act (1871) Amendment Act, 1891 (I of 1891), s. 3 [General Acts, Vol. VI, p. 1].

† As to the application of s. 11 to forests, *see* the Indian Forest Act, 1878 (VII of 1878), s. 69 [General Acts, Vol. III, p. 124]; to railways, *see* the Indian Railways Act, 1890 (IX of 1890), s. 125 (4) [General Acts, Vol. V, p. 404].

‡ These words in section 11 were substituted for the words "take them without unnecessary delay" by the Cattle-trespass Act (1871) Amendment Act, 1891 (I of 1891), s. 4 [General Acts, Vol. VI, p. 1].

in the official Gazette. Different scales may be prescribed for different local areas.*

All fines so levied shall be sent to the Magistrate of the District through such officer as the Local Government may direct.

A list of fines and of the rates of charge for feeding and watering cattle shall be posted in a conspicuous place on or near to every pound.†

CHAPTER IV.

DELIVERY OR SALE OF CATTLE.

Procedure when owner claims the cattle and pays fines and charges.

13. If the owner of impounded cattle or his agent appear and claim the cattle, the pound-keeper shall deliver them to him on payment of the fines and charges incurred in respect of such cattle.

The owner or his agent, on taking back the cattle, shall sign a receipt for them in the register kept by the pound-keeper.

Procedure if cattle be not claimed within a week.

14. If the cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall report the fact to the officer in charge of the nearest police-station, or to such other officer as the Magistrate of the District appoints in this behalf.

Such officer shall thereupon stick up in a conspicuous part of his office a notice stating—

(*a*) the number and description of the cattle,

(*b*) the place where they were seized,

(*c*) the place where they are impounded,

and shall cause proclamation of the same to be made by beat of drum in the village and at the market-place nearest to the place of seizure.

*For power to prescribe a different scale for cattle impounded under forest laws, *see* the Indian Forest Act, 1878 (VII of 1878), s. 70 [General Acts, Vol. III, p. 124]. As to additional penalties in the case of cattle trespassing on a railway, *see* the Indian Railways Act, 1890 (IX of 1890), s. 125 (*1*) and (*2*) [General Acts, Vol. V, p. 404].

†This new section 12 was introduced by the Cattle-trespass (Amendment) Act, 1921 (XVII of 1921), passed by the Indian Legislature. It was applied to the Bombay Presidency (excluding the Town of Bombay) by the Notification of the Government of Bombay No. 2192-A dated 29th March 1924. A scale of fines had been prescribed under the section by the Notification of the Government of Bombay No. 2192-B dated 29th March 1924, reproduced in Part II, Chapter II, of the Manual.

If the cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by the said officer, or an officer of his establishment deputed for that purpose, at such place and time and subject to such conditions as the Magistrate of the District by general or special order from time to time directs :

Provided that, if any such cattle are, in the opinion of the officer authorised to sell them by public auction, not likely to fetch a fair price if sold as aforesaid, they may be disposed of in such manner as he thinks fit.

Delivery to owner disputing legality of seizure, but making deposit.

15. If the owner or his agent appear and refuse to pay the said fines and expenses, on the ground that the seizure was illegal and that the owner is about to make a complaint under section 20, then upon deposit of the fines and charges incurred in respect of the cattle, the cattle shall be delivered to him.

Procedure when owner refuses or omits to pay the fines and expenses.

16. If the owner or his agent appear and refuse or omit to pay or (in the case mentioned in section 15) to deposit the said fines and expenses, the cattle, or as many of them as may be necessary, shall be sold by public auction by such officer, at such place and time and subject to such conditions, as are referred to in section 14.

Deduction of fines and expenses.

The fines leviable and the expenses of feeding and watering, together with the expenses of sale, if any, shall be deducted from the proceeds of the sale.

Delivery of unsold cattle and balance of proceeds.

The remaining cattle and the balance of the purchase-money, if any, shall be delivered to the owner or his agent, together with an account showing—

(*a*) the number of cattle seized,
(*b*) the time during which they have been impounded,
(*c*) the amount of fines and charges incurred,
(*d*) the number of cattle sold,
(*e*) the proceeds of sale, and
(*f*) the manner in which those proceeds have been disposed of.

Receipts.

The owner or his agent shall give a receipt for the cattle delivered to him and for the balance of the purchase money (if any) paid to him according to such account.

17. The officer by whom the sale was made shall send to the Magistrate of the District the fines so deducted. Disposal of fines, expenses and surplus proceeds of sale.

The charges for feeding and watering deducted under section 16 shall be paid over to the pound-keeper, who shall also retain and appropriate all sums received by him on account of such charges under section 13.

The surplus unclaimed proceeds of the sale of cattle shall be sent to the Magistrate of the District, who shall hold them in deposit for three months, and if no claim thereto be preferred and established within that period, shall, at its expiry, dispose of them as hereinafter provided.

18. Out of the sums received on account of fines and the unclaimed proceeds of the sale of cattle shall be paid— Application of fines and unclaimed proceeds of sales.

(*a*) the salaries allowed to pound-keepers under the orders of the Local Government;

(*b*) the expenses incurred for the construction and maintenance of pounds, or for any other purpose connected with the execution of this Act;

And the surplus* (if any) shall be applied, under orders of the Local Government, to the construction and repair of roads and bridges and to other purposes of public utility.

19. No officer of police, or other officer or pound-keeper appointed under the provisions herein contained, shall, directly or indirectly, purchase any cattle at a sale under this Act. Officers and pound-keepers not to purchase cattle at sales under Act.

No pound-keeper shall release or deliver any impounded cattle otherwise than in accordance with the former part of this Chapter, unless such release or delivery is ordered by a Magistrate or Civil Court. Pound-keepers when not to release impounded cattle.

CHAPTER V.†

Complaints or Illegal Seizure or Detention.

20. Any person whose cattle have been seized under this Act, or, having been so seized, have been Powers to make complaints,

*As to the crediting of this surplus to local funds, *see* section 31 *infra*.

†This Chapter was substituted for the original Chapter V, by the Cattle-trespass Act (1871) Amendment Act, 1891 (I of 1891), s. 6 [General Acts, Vol. VI, p. 1].

detained in contravention of this Act, may, at any time within ten days from the date of the seizure, make a complaint* to the Magistrate of the District or any Magistrate authorized to receive and try charges without reference by the Magistrate of the District.

Procedure on complaint

21. The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. It may be either in writing or verbal. If it be verbal, the substance of it shall be taken down in writing by the Magistrate.

If the Magistrate, on examining the complainant or his agent, sees reason to believe the complaint to be well founded, he shall summon the person complained against, and make an enquiry into the case.

Compensation for illegal seizure or detention.

22. If the seizure or detention be adjudged illegal, the Magistrate shall award to the complainant, for the loss caused by the seizure or detention, reasonable compensation, not exceeding one hundred rupees, to be paid by the person who made the seizure or detained the cattle, together with all fines paid and expenses incurred by the complainant in procuring the release of the cattle;

Release of cattle.

and, if the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release and direct that the fines and expenses leviable under this Act shall be paid by the person who made the seizure or detained the cattle.

Recovery of compensation.

23. The compensation, fines and expenses mentioned in section 22 may be recovered as if they were fines imposed by the Magistrate.†

CHAPTER VI.

PENALTIES.

Penalty for forcibly opposing the seizure of cattle or rescuing the same.

24. Whoever forcibly opposes the seizure of cattle liable to be seized under this Act,

*The term "offence" as defined at s. 4 (*o*) of the Code of Criminal Procedure, 1898 (Act V of 1898), includes any act in respect of which a complaint may be made under this section. Offences under this section may be tried in a summary way, *see* Act V of 1898, s. 260 (*1*) (*m*) [General Acts, Vol. VI, p. 355].

†*See* ss. 63-70 of the Indian Penal Code (Act XLV of 1860) [General Acts, Vol. I, p. 240]. *Cf.* also s. 25 of the General Clauses Act, 1897 (Act X of 1897) [General Acts, Vol. VI, p. 315].

and whoever rescues the same after seizure, either from a pound or from any person taking or about to take them to a pound, such person being near at hand and acting under the powers conferred by this Act, shall, on conviction before a Magistrate, be punished with imprisonment for a period not exceeding six months, or with fine not exceeding five hundred rupees or with both.

Recovery of penalty for mischief committed by causing cattle to trespass.

*25. Any fine imposed †[under the next following section or] for the offence of mischief by causing cattle to trespass on any land may be recovered by sale of all or any of the cattle by which the trespass was committed, whether they were seized in the act of trespassing or not, and whether they are the property of the person convicted of the offence, or were only in his charge when the trespass was committed.

Penalty for damage caused to land or crops or public roads by pigs.

26. Any owner or keeper of pigs who, through neglect or otherwise, damages or causes or permits to be damaged any land, or any crop or produce of land, or any public road‡, by allowing such pigs to trespass thereon, shall, on conviction before a Magistrate, be punished with fine not exceeding ten rupees.

§The Local Government, by notification in the official Gazette, may from time to time, with respect to any local area specified in the notfication, direct that the foregoing portion of this section shall be read as if it had reference to cattle generally, or to cattle of a kind described in the notification, instead of to pigs only, or as if the words "fifty rupees" were substituted for the words "ten rupees", or as if there were both such reference and such substitution.

||The Local Government may at any time by notification in the official Gazette, cancel or vary a notification under this section.

*As to the application of section 25 in the case of cattle trespassing on a railway, *see* the Indian Railways Act, 1890 (IX of 1890), s. 125 (3) [General Acts, Vol. V, p. 404].

†These words in section 25 were inserted by the Cattle-trespass Act (1871) Amendment Act, 1891 (I of 1891), s. 7 [General Acts, Vol. VI, p. 1].

‡"Public road" in section 26 includes a railway—*see* the Indian Railways Act, 1890 (IX of 1890), s. 125 (4) [General Acts, Vol. V, Ed. 1898, p. 404].

§This paragraph was added to section 26 by the Cattle-trespass Act 1871) Amendment Act, 1891 (I of 1891), s. 8 [General Acts, Vol. VI, p. 1].

||This paragraph was added to s. 26 by the Cattle-trespass Act (1871) Amendment Act, 1891 (I of 1891), s. 8 [General Acts, Vol. VI, p. 1].

Penalty on pound-keeper failing to perform duties.

27. Any pound-keeper releasing or purchasing or delivering cattle contrary to the provisions of section 19 or omittng to provide any impounded cattle with sufficient food and water, or failing to perform any of the other duties imposed upon him by this Act, shall, over and above any other penalty to which he may be liable, be punished, on conviction before a Magistrate, with fine not exceeding fifty rupees.

Such fines may be recovered by deductions from the pound-keeper's salary.

Application of fines recovered under section 25, 26 or 27.

28. All fines recovered under section 25, section 26 or section 27 may be appropriated in whole or in part as compensation for loss or damage proved to the satisfaction of the convicting Magistrate.

CHAPTER VII.

Suits for Compensation.

Saving of right to sue for compensation.

29. Nothing herein contained prohibits any person whose crops or other produce of land have been damaged by trespass of cattle from suing for compensation in any competent Court.

Set-off.

30. Any compensation paid to such person under this Act by order of the convicting Magistrate shall be set off and deducted from any sum claimed by or awarded to him as compensation in such suit.

CHAPTER VIII.*

Supplemental.

Power for Local Government to transfer certain functions to local authority and direct credit of surplus receipts to local funds.

31. The Local Government may, from time to time, by notification in the official Gazette,—

(*a*) transfer to any local authority within any part of the territories under its administration in which this Act is in operation, all or any of the functions of the Local Government or the Magistrate of the District under this Act, within the local area subject to the jurisdiction of the local authority, or

*Chapter VIII was added by the Cattle-trespass Act (1871) Amendment Act, 1891 (I of 1891), s. 9 [General Acts, Vol. VI, p. 1].

(*b*) direct that the whole or any part of the surplus accruing in any district under section 18 of this Act shall be placed to the credit of such local fund or funds as may be formed for any local area or local areas comprised in that district,

and may, from time to time, by notification in the official Gazette, cancel or vary any notification under this section*.

SCHEDULE.

(*See section 2*).

Number and year.	Title of Act.
III of 1857 ..	An Act relating to trespasses by cattle.
V of 1860 ..	An Act to amend Act III of 1857 (relating to trespasses by cattle).
XXII of 1861..	An Act to amend Act III of 1857 (relating to trespasses by cattle).

*Notifications under this section have been reproduced *infra*.

PART II

Important Legal Decisions, Rulings and Orders Relating to Cattle-trespass.

CHAPTER I.

POWERS OF OFFICERS.

1. Government have no objection to the delegation of the general control vested in Government by section 4 of Act I of 1871 to the Revenue Commissioners, with the exception of the power to dispose of the surplus proceeds, which are credited to Local Funds. (G. R., G. D., No. 3933, dated 10th August 1872.)

CHAPTER II.

MANAGEMENT OF CATTLE-POUNDS (INCLUDING LEVY OF FINES).

The following rules and the appended forms* have been prescribed by the Government of Bombay for the information and guidance of all officers concerned in the management of cattle-pounds :—*

1. Under the provisions of Act I of 1871, as amended, the Police Patil is *ex-officio* keeper of the pound in his village and is answerable for the proper carrying out of the provisions of the Act. Where there is no police patil to a village, the person who is specially appointed for this purpose by the District Magistrate will be a special pound-keeper in that village. Where there is a village panchayat established for a local area and the police patil or the head of the village is the Sarpanch or a member of the panchayat, that body may appoint another person to be pound-keeper and may suspend or remove the person so appointed. In any local area in which the functions of appointing, suspending or removing a pound-keeper are transferred to the local authority, it may appoint another person as pound-keeper.

2. The Act contains all necessary information with regard to mode of seizure of cattle, and so forth. The forms† necessary for carrying on the duties of pound-keeper are hereto appended. Printed copies of these forms will be furnished on indents submitted through the Mamlatdar of the taluka. In most instances these forms require no explanation, but in case of doubt explanatory notes have been given at the foot of the form.

3. Government have prescribed the following scale of fines under section 12 of Act I of 1871, as amended by Act XVII of 1921, to be levied for every head of cattle impounded :—

Cattle.	Fine per head. Rs.	a.	p.
Elephant	4	0	0
Camel or buffalo	1	0	0
Horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer	0	8	0
Calf, ass or pig	0	4	0
Ram, ewe, sheep, lamb, goat or kid	0	2	0

*Sanctioned by G. Rs., G. D., No. 3, dated 3rd January 1876, and No. 1161, dated 12th April 1877, as subsequently amended.

†Government Resolution No. 5379, dated 2nd June 1911 directed the discontinuance of forms II and III, and approved of the proposal that forms 5 and 6 specified at page 14 of the statement appended to that Resolution should remain as standard forms.

The pound-keeper shall post up the list in a conspicuous part of the pound and of each village. Mamlatdars shall furnish copies of the list on application. (G. R. No. 2192, dated 29th March 1924.)

District Magistrates will recommend increase of fines for particular areas, if necessary (G. R. No. 1577-24, dated 25th February 1926).

According to section 70 of the Indian Forest Act, 1878, the Local Government may from time to time, by notification in the local official Gazette, direct that in lieu of the fines fixed under the 12th section of the Cattle-trespass Act, 1871, there shall be levied for each head of cattle impounded under section 69 of the Forest Act (that is cattle trespassing in a reserved or a protected forest), such fines as it thinks fit, but not exceeding the following :—

Cattle.	Fine per head. Rs.	a.	p.
Elephant	10	0	0
Camel or buffalo	2	0	0
Horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer	1	0	0
Calf, ass, pig, ram, ewe, sheep, lamb, goat or kid	0	8	0

Notifications have been issued in exercise of this power for different areas.

"In exercise of the powers conferred by section 12 of the Cattle Trespass Act, 1871 (I of 1871), and in modification of Government Notification in the Revenue Department No. 2192-B, dated the 29th March 1924, in so far as it is applicable to the Poona Cantonment, the Governor in Council is pleased to prescribe, with effect from the 1st January 1931, the following scale of fines to be levied for every head of cattle mentioned below impounded under the said Act within the limits of the said Cantonment :—

Cattle.	Amount of fine per head. Rs.	a.	p.
Buffalo	1	8	0
Heifer, horse, mule, cow, bullock or filly ..	1	0	0
Calf	0	12	0
Ass	0	12	0
Goat or kid	0	10	0

(G. N. No. 6204/28, dated 5th December 1930.)

4. As every pound-keeper is bound to feed and water all impounded animals until such time as the same are either delivered over to the owners or otherwise disposed of, he may in those cases where an advance is necessary, be allowed to meet such charges by an advance not exceeding Rs. 10 from the Cattle-pound Fund where the management of pounds has not been entrusted to a Local Authority. The pound-keeper shall

keep the account of such advance as per Form No. VI, hereto appended. Such advances shall be adjusted yearly according to the orders in force. When a pound-keeper delivers over charge of his office, he and his successor shall jointly report to the Mamlatdar their having respectively delivered over and received charge of the money received as an advance.

5. The feeding charges of the impounded cattle shall not exceed the rates which may have been or may hereafter from time to time be sanctioned by the District Magistrate. Printed lists of such rates will be furnished to each pound-keeper through the Mamlatdar of the taluka. Copies of such lists must be posted up in a conspicuous part of the pound and of each village.

6. All fines collected by the pound-keeper shall be retained in his custody and when these amount to or exceed Rs. 10 he shall, subject to the provisions of Rule 12, remit the same to the Mamlatdar's treasury with a duplicate memorandum, as per Form No. VII, showing the amount so remitted. On the 20th March of each year the pound-keeper shall, with a similar memorandum, remit to the Mamlatdar's treasury any balance in hand, however small it may be. The Taluka Treasury Officer, after crediting the amount received, should return one copy of the memorandum duly receipted to the cattle pound-keeper and the duplicate copy should be retained by the Treasury Officer as a challan for the receipt.

Note.—The amount of fines collected by a pound-keeper may be remitted by money order, provided the village is not within five miles of the taluka treasury and the pound-keeper sends the remittance report in the prescribed form to the taluka treasury by post the same day. The limit of the amount of fines which a pound-keeper may keep in his custody may be raised, at the discretion of the District Magistrate, to Rs. 20 provided that the concession is restricted to villages where there is no post office in the village or within a radius of five miles. (Govt. Orders No. 11917, dated 8th November 1919, and No. 1442, dated 10th May 1920.)

7. The officer in charge of the Police Station shall keep a register, Form No. IX, of all cases referred for disposal under section 14 of Act I of 1871. He shall also keep a day-book*, Form No. X, in which he shall enter all sums realized by the sale of cattle, all sums remitted to the taluka treasury, as also the charges of feeding, etc., paid to pound-keepers.

8. Subject to the provisions of Rule 12, the officer in charge of the Police Station should, as a rule, remit the cattle-pound receipts to the taluka treasury the day on which they are received by him. The money should be accompanied by a remittance report in duplicate. The amount due to fine and that due to surplus sale-proceeds should be shown

*Government Resolution No. 11141, dated 7th December 1910, directed the discontinuance of the day-book in Form X which the officer in charge of a Taluka Sub-Treasury had to keep.

separately. No other detail is necessary. The Treasury Officer should return one copy of the remittance report duly receipted and shall retain the other copy as a challan for the receipt.

9. The Mamlatdar (the Taluka Treasury Officer) on receipt of this amount should at once credit to the Cattle-pound Fund the amount of penalties, and bring the balance, being the amount of surplus sale-proceeds, to the head of Judicial Deposits, to be disposed of as detailed below.

10. The Mamlatdar shall then issue a notice, as per Form No. XI, to be posted on the notice board in the kacheri, inviting claimants for the money in deposit within three months from the date of the notice. At the end of three months, if no person should appear to claim the money, it shall be carried to the credit of the Cattle-pound Fund.

11. If any claimant come forward within the time allowed, the Mamlatdar, after due enquiry and upon being satisfied that the claim is proved, shall, after receiving the sanction of the District Magistrate, make over to such claimant the amount held in deposit.

12. In the case of cattle-pounds situated within the limits of any Local Authority entrusted with their management, the sums collected shall be credited to that Local Authority instead of to the Cattle-pound Fund. The receipts on account of such pounds shall be remitted, with a separate remittance report, as hereinbefore provided, in order that the money may be sent to the Local Authority with such remittance report. The Local Authority shall, in acknowledging the receipt of the money so remitted, act as provided in Rule 6 or 8, as the case may be.

13. The Assistant or Deputy Collector in charge of the taluka should, as often as possible, examine all the registers and accounts kept by the pound-keepers employed by Government and by the officers in charge of the Police Station. The Mamlatdars and Police Officers must, on their periodical tours, examine the registers kept by the pound-keepers and give the requisite instructions for their being correctly and neatly kept. The Mamlatdar shall further examine the registers kept by the Officer in charge of the Police Station.

14. The *ex-officio* and special pound-keepers will be remunerated out of the Pound Fund for their duties as pound-keepers according to the scale fixed for the purpose.

15. One-fourth of the monthly collections on account of the pound shall be appropriated to the pound-keeper as his pay and to enable him to keep the registers and furnish the returns required by Government, provided that in no case shall the annual pay of an *ex-officio* pound-keeper exceed Rs. 120 or the annual pay of a person specially appointed pound-keeper exceed Rs. 180. (G. R. No. 2192, dated 29th March 1924.)

16. In any local area in which the functions of the Magistrate of a District under section 6 of the Cattle Trespass Act, 1871, as amended, have been transferred to a local authority, if the pound-keeper is unable to write, such local authority may either make its own arrangements for keeping the pound register and other documents relating to the pound or

with the Collector's previous permission engage a talati for the purpose. If a talati is employed, half of the pound-keeper's remuneration shall be paid to him. (G. R. No. 1714/24, dated 2nd July 1928.)

17. The remuneration of the pound-keeper shall be disbursed when the Potagi (or Patil's salary) is disbursed, *i.e.*, in the months of January or February and July. The Mamlatdars should prepare half-yearly bills for this purpose, and should, prior to their disbursement, obtain the sanction of the Huzur Deputy Collector. The first bill should be prepared for the months from April to September. The bill should be submitted to the Huzur Deputy Collector for sanction by the 10th of November or December, and the payment thereof should be made in the month of January or February. The second half-yearly bill should be prepared for the other six months, *i.e.*, for the months from October to March. The second bill should be punctually sent by the Mamlatdar to the Huzur Deputy Collector by the 10th of May or June and the payment made in the July following. (Govt. Orders No. 11465, dated 24th November 1916, No. 2289, dated 24th February 1917, and No. 7485, dated 18th July 1918.)

18. In preparing bills, care should be taken that no pound-keeper is allowed remuneration in excess of the maximum amount fixed by the Local Government.

FORM No. I.

Form of Register to be kept under section 8 of the Act.

Serial No.	Name of the seizer, date of receipt (hour, month and year).	Description of Animal.					Name of the owner, and his place of residence, if known.	Date of return of cattle to the owner and the signature of recipient.	Fine.	Amount of feeding charges, etc., and signature of the person receiving the same.	Date of report to the Station Officer under section 14.	Date of sending cattle for sale.	Signature of the pound-keeper.
		Kind.	Age	Value.	Height	Special marks and colour.							
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Note.—The pound-keeper must sign in column 14 every day's entry made in this Register.

[Forms II and III were discontinued by Government Resolution No. 5379, dated 2nd June 1911.]

FORM No. IV.

FORM OF REPORT TO BE SENT BY THE POUND-KEEPER TO THE MAGISTRATE, CLASS, TALUKA CHARGE OF THE POLICE STATION , AS REQUIRED BY SECTION 14 OF ACT I OF 1871.

Serial No.	Register number, name of the seizer, the place where the animals were seized, and the date and hour when impounded.	DESCRIPTION OF CATTLE.					Amount of feeding charges incurred by the pound-keeper.	Remarks.
		Kind.	Age.	Value.	Height.	Special marks and colour.		

FORM No. V

Day Book of Cattle-pound Receipts at Taluka for the Year 19

Dr. Cr.

Date.		Detail.	Amount.	Date.		Detail.	Amount.
Day.	Month.			Day.	Month.		
		To fine on account of cattle, registered No.				By payment to self on account of feeding charges of cattle, registered No. ..	
		Feed of do. ..				On repayment of advance (as the case may be) ..	
		Balance ..				Balance ..	

Note.—1. All collections made in the shape of fines, etc., and all charges incurred in feeding the cattle shall be carefully entered by the pound-keeper each day in this form as the transactions occur.

2. The pound-keeper will be held personally responsible for omissions or mistakes in the accounts.

FORM No. VI.

Form of Register of Advances.

Dr. Cr.

Date.		Detail.	Amount.	Date.		Detail.	Amount.
Day.	Month.			Day.	Month.		
			Rs. a. p.				Rs. a. p.
10th	18 75 January	To amount of advance received this day from Mamlatdar of with order No.	10 0 0	10th	18 75 January	By amount paid on account of feeding charges of cattle, registered Nos. ..	0 12 0
		Balance ..	9 4 0			Balance ..	9 4 0
							10 0 0
11th	18 75 January	The amount received from Fakeera bin Mala on account of feeding charges of cattle, registered Nos. ..	0 12 0	11th	18 75 January	By amount paid on account of feeding charges of cattle, registered Nos. ..	0 8 0
						Balance ..	9 8 0
			10 0 0				10 0 0

FORM No. VII.

FORM OF REMITTANCE REPORT TO BE MADE BY THE POUND-KEEPER.

Remittance Report of the Cattle-pound at Taluka.

Date.		Register No.	Amount of Fine.
Day.	Month.		

Signature of Pound-keeper.

N.B.—This report should be prepared in duplicate.

The Taluka Treasury Officer should return one copy, endorsing on it the receipt of the amount, and should retain the other copy in his office for record.

FORM No. VIII.

NOTICE TO BE ISSUED UNDER SECTION 14 OF ACT I OF 1871.

Notice is hereby given that the animals described below, and seized at have been sent on to the cattle-pound of the village of , taluka , and that they have been detained there for upwards of seven days. Any person having a claim to the aforesaid animals is hereby required to appear before the keeper of the cattle-pound of the said village to establish his claim and get his animals released after payment of the penalties and feeding charges, etc. Should no one appear and claim the said cattle within seven days of date of this notice, the cattle will be sold by public auction and the proceeds credited to Government.

Description of cattle—

Magistrate, Class.

(G. R. No. 5998/28, dated 5th May 1931.)

FORM No. IX.

REGISTER BOOK OF CASES OF STRAY CATTLE RECEIVED BY THE STATION OFFICER FOR DISPOSAL, UNDER SECTION 14 OF ACT I OF 1871, AT

Serial No.	Name of the pound from which received.	Register number of the cattle-pound, name of the seizer, the place where they were seized, the date and hour when they were impounded.	DESCRIPTION OF CATTLE.					Date of issuing notice.	Signature or mark of the person receiving cattle after establishing his claim.	Name of the purchaser and his signature in token of his having received the cattle.	Date of sale and amount.	At what rate and for what period money was paid to the pound-keeper on account of feeding charges, etc., and signature of recipient.	Amount of penalty levied.	Surplus sale-proceeds to be refunded to the owner.
			Kind.	Age.	Value.	Height.	Special marks and colour.							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Form No. X (day book of cattle-pound receipts to be kept by the Officer in charge of Police Station) was discontinued by G. R. No. 11141, dated 7th December 1910.

FORM No. XI.

FORM OF NOTICE OF UNCLAIMED MONEY (SECTION 17 OF ACT I OF 1871).

Notice is hereby given that a sum of , being the surplus sale-proceeds of (description of animals) brought to the cattle-pound of from is now in deposit in the Taluka treasury. Any person having a claim thereto is hereby required to prefer and substantiate the same within three months from this date before the undersigned, Class Magistrate of Taluka ; failing to do which the amount will be disposed of according to the provisions of Act I of 1871.

Mamlatdar and Magistrate, Class.

2. In those districts of the (old) Northern Division in which the Talatis or Kulkarnis have extensive charges and the Patels are generally illiterate and unable to keep the forms of account prescribed by the rules under Act I of 1870 for the management of cattle-pounds sanctioned by Government Resolution, General Department, No. 3, dated 3rd January 1876, the old forms may be adhered to at the discretion of the Commissioner. (G. R., G. D., No. 2201, dated 19th July 1876.)

3. The District Magistrate may nominate the Mamlatdar or Mahalkari, and in his absence the Aval Karkun, to conduct sales of cattle under the Pound Act and to keep the accounts relative to such transactions (G. Rs., G. D., No. 1653, dated 24th May 1878 and No. 3377, dated 6th November 1878.)

4. Commissioners should issue strict orders that all the gross cattle-pound receipts should be credited, and all disbursements debited according to the general rule, so that uniformity may exist. The gross proceeds to be brought to account should include only those sums which are levied as fines and those collected on account of the sale-proceeds of cattle. Charges on account of feeding cattle during the time they remain in the pounds, which are taken from the owners and paid at once to the parties to whom they are due, are not to be brought to account in the Mamlatdars' books. (G. Rs., G. D., No. 1725, dated 22nd April, No. 2118, dated 27th May and No. 2612, dated 2nd July 1872.)

5. On the question whether charges of coolies employed on seizing cattle found trespassing in forest and taking them to a pound can be legally recovered from the owner under section 13 of the Cattle-trespass

Act, 1871, the following Resolution was passed by the Government of Bombay :—

"Section 12* of the Act prescribes the fines that may be levied. It indicates also what 'charges' (for feeding and watering cattle) may be levied as the condition for releasing impounded animals. No other claim can be legally made." (G. R., G. D., No. 1394, dated 2nd May 1888.)

6. The whole cost on account of the cattle pound-keepers' receipt books should be borne by Local Funds. (G. R., G. D., No. 6949, dated 14th December 1897.)

7. Two annas should be charged to the Cattle Pound Fund as the price per book of the cattle pound-keeper's bound receipt books. (G. R. No. 9962, dated 25th November 1911.)

8. The forms under the Cattle-trespass Act, 1871, should be stocked by the Government Presses and supplied on payment to Municipalities and District Local Boards direct on indent. (G. R. No. 4759/24, dated 9th February 1926.)

CHAPTER III.

Disposal of Surplus Receipts from the Management of Cattle Pounds.

1. The intention of the Legislature is that the District Magistrate should ordinarily appoint† the pound-keeper and pay his remuneration and that all realizations should be sent to the District Magistrate, the surplus, if any, being disposed of periodically in such manner as Government may direct. This should be the practice for all pounds in respect of which the District Magistrate's functions under sections 5, 6, 12 and 17 have not been legally transferred to some local authority. In the case of any pound in respect of which the said functions have been transferred to a local body, the proceeds will be paid to that body instead of to the District Magistrate, and that body will dispose of the surplus by appropriating it or otherwise as Government may from time to time direct under section 1 (*b*) of Act‡ XVIII of 1883. (L. R. No. 1439, dated 10th November 1886 and G. R. No. 383, dated 17th January 1887.)

2. In exercise of the powers conferred by clause (*b*) of section 31 of the Cattle-trespass Act, 1871 (I of 1871), and in modification of Government Notification in the Revenue Department No. 2792, dated 16th March

*The reference is to section 12 of the principal Act before it was amended by Act XVII of 1921.

† *Vide* section 6 of the Cattle-trespass Act, 1871, as amended, for powers of local authorities to appoint pound-keepers.

‡ Act XVIII of 1883 (to amend the Cattle-trespass Act, 1871) has been repealed by section 10 of Act I of 1891 (to amend the Cattle-trespass Act, 1871), *vide* section 31 (*b*) of the principal Act.

1908, the Governor in Council is pleased to direct that the whole of the surplus accruing under section 18 of the said Act within the Municipal District of Broach shall, on and after the 1st day of April 1914, be placed to the credit of the local fund of the Broach District.

(G. N. No. 1577, dated 18th February 1914.)

3. In exercise of the powers conferred by section 31, clause (*b*), of the Cattle-trespass Act, 1871 (I of 1871), and in supersession of Government Notification in the Revenue Department No. 383A, dated the 17th January 1887, as from time to time amended, the Governor in Council is pleased to direct that the whole of the surplus accruing under section 18 of the said Act in any municipal district, cantonment, or notified area constituted under section 137 of the Bombay District Municipal Act, 1901, except in the municipal district and the cantonment named in the schedule hereto, in respect of which such surplus shall be dealt with as directed in the Government notification specified against such municipal district or cantonment, shall be placed to the credit of the fund of such municipal district, cantonment or notified area, and that the surplus accruing under the said section in any portion of a district, not included in a municipal district, cantonment or notified area, shall be placed to the credit of the local fund of such district :—

Schedule.

(1) Municipal district of Broach .. G. N.* No. 1577, dated 18th February 1914.

(G. N. No. 2792, dated 16th March 1908, G. N. No. 6052-A, dated 26th June 1911, G. N. No. 7574, dated 14th July 1915 and G. R., G. D., No. 4453, dated 19th August 1924.)

(2) The whole of the surplus accruing under section 18 of the Cattle-trespass Act, 1871 (I of 1871), within the limits of the Vengurla Municipality, but not exceeding Rs. 101–6–6, shall with effect from the 1st day of April 1930, be placed to the credit of the local fund of the District Local Board, Ratnagiri. (G. N. No. 3591/28, dated 3rd December 1929.)

CHAPTER IV.

Transfer of Functions to Local Authorities.

[Government Notifications, etc., sanctioning the transfer of functions to local authorities in exercise of the powers conferred by section 31 (*a*) of the Cattle-trespass Act, 1871, have been summarised in this Chapter in the order of districts. They are arranged chronologically in the

*Reproduced *supra*.

Chronological Index. In the Alphabetical Index, the Municipalities, etc., to which the functions have been transferred have been mentioned in the alphabetical order under "Powers of Local Authorities".]

(a) *Transfer of Functions under the Act to Municipalities.*

Srial No.	Municipality of	Sections of the Cattle-trespass Act, 1871 the District Magistrate's functions under which are transferred.	Authority for the transfer.
1	2	3	4
	Ahmedabad District.		
1	Ahmedabad	4, 5, 6, 12, 14 and 17 ..	G. Ns. No. 383, dated 17th January 1887, No. 8337, dated 30th August 1906 and No. 1120, dated 4th February 1914.
2	Dhandhuka		
3	Prantij		
4	Viramgaon		
5	Dholera	4, 5, 12, 14 and 17 ..	G. N. No. 1120, dated 4th February 1914.
6	Dholka		
7	Gogha		
8	Modasa		
9	Ranpur		
10	Sanand		
	Kaira District.		
11	Dakor	4, 5, 6, 12, 14 and 17 ..	G. Ns. No. 383, dated 17th January 1887, No. 8337, dated 30th August 1906 and No. 1120, dated 4th February 1914.
12	Kapadvanj		
13	Kaira		
14	Nadiad		
15	Anand	4, 5, 6, 12, 14 and 17 ..	G. N., G. D., No. 1206, dated 25th March 1890.
16	Borsad		
17	Mahudha		
18	Umreth		
	Broach and Panch Mahals District.		
19	Dohad	4, 5, 6, 12, 14 and 17 ..	G. Ns. No. 1847, dated 25th March 1887 and No 1120, dated 4th February 1914.
20	Godhra		
21	Ankleshwar	4, 5, 12, 14 and 17 ..	G. N. No. 1120, dated 4th February 1914.
22	Jambusar		
	Surat District.		
23	Bulsar	4, 5, 12, 14 and 17 ..	G. N. No. 1367, dated 31st January 1916.
24	Rander	4, 5, 12, 14 and 17 ..	G. N. No. 1120, dated 4th February 1914.
25	Surat	4, 5, 6, 12, 14 and 17 ..	G. N., G. D., No. 4082, dated 1st October 1889.

Serial No	Municipality of	Sections of the Cattle-trespass Act 1871, the District Magistrate's functions under which are transferred.	Authority for the transfer.
1	2	3	4
	Thana District.		
26	Bassein	4, 5, 12, 14 and 17 .	G. N. No. 1120, dated 4th February 1914.
27	Kalyan .. .	4, 5, 6, 12, 14 and 17 ..	G. N. No. 5810/24, dated 16th February 1926 G. N. No. 5810/24, dated 14th January 1936.
28	Thana ..	4, 5, 6, 12, 14 and 17 .	G. N. No 3650/28, dated 15th November 1929.
	Bombay Suburban District.		
29	Bandra .. .	4, 5, 6, 12, 14 and 17 .	G. N. No. 4584, dated 22nd April 1918.
30	Ghatkoper-Kirol ..	4, 5, 6, 12, 14 and 17 .	G. N. No. 2633/28, dated 4th June 1929.
31	Kurla	4, 5, 6, 12, 14 and 17 ..	G. N. No. 3778/28, dated 2nd December 1929.
	Kolaba District		
32	Alibag	5, 6, 12, 14 and 17	G. N. No. 3782/38, dated 10th May 1935.
33	Mahad	5, 6, 12 and 17 ..	G. N No. 9619, dated 21st October 1913.
34	Matheran		
35	Panvel		
36	Pen .. .		
37	Roha-Ashtami		
38	Uran		
	Ratnagiri District.		
39	Chiplun .. .	5, 6, 12 and 17 ..	G. N. No. 9619, dated 21st October 1913.
40	Malvan ..	5, 6, 12 and 17	G. N. No. 910/28, dated 14th July 1928.
41	Ratnagiri	5, 6, 12 and 17 .	G. N No. 9619, dated 21st October 1913.
	Kanara District.		
42	Gokarn	5, 6, 12 and 17 ..	G. N. No. 4328, dated 20th April 1916.
43	Haliyal	4, 5, 6, 12, 14 and 17.	G. N. No. 9619, dated 21st October 1913.
44	Kumta		G. N. No. 6031/28, dated 4th November 1930.
45	Honavar	4, 5, 6, 12, 14 and 17 ..	G. N. No. 13422, dated 20th December 1918.
46	Karwar ..	4, 5, 6, 12, 14 and 17 .	G. N No. 563, dated 19th January 1918.
47	Sirsi ..	4, 5, 6, 12, 14 and 17 .	G. N. No. 8438 dated 31st August 1906 and No. 12786, dated 1st December 1915.

Serial No.	Municipality of	Sections of the Cattle-trespass Act, 1871, the District Magistrate's functions under which are transferred.	Authority for the transfer.
1	2	3	4
	Dharwar District.		
48	Byadgi	5, 6, 12 and 17 ..	G. N. No. 14795, dated 19th December 1919.
49	Dharwar*	5, 6, 12 and 17 ..	G. N. No. 9619, dated 21st October 1913.
50	Gadag Betigeri	5, 6, 12 and 17 ..	G. N. No. 340, dated 11th January 1916.
51	Hubli Borough	4, 5, 6, 12, 14 and 17 ..	G. N. No. 1013-33, dated 17th August 1933.
52	Haveri	5, 6, 12 and 17 ..	G. N. No. 3662-33, dated 1st May 1935.
53	Nargund		
54	Navalgund		
55	Ranebennur	5, 6, 12 and 17 ..	G. N. No. 5966, dated 12th June 1919.
	Belgaum District.		
56	Belgaum	5, 6, 12, 14 and 17 ..	G. N. No. 9619, dated 21st October 1913. G. N. No. 4926/28, dated 18th June 1930.
57	Gokak		
58	Nipani		
59	Saundatti-Yellama ..		
	Bijapur District.		
60	Bijapur	5, 6, 12, 14 and 17 ..	G. Ns. No. 1109, dated 5th February 1913, and No. 13557, dated 23rd December 1918.
61	Bagalkot	4, 5, 6, 12, 14 and 17 ..	G. N. No. 3974/28, dated 7th January 1930.
62	Ilkal	5, 6, 12, 14 and 17 ..	G. Ns. No. 9619, dated 21st October 1913, and No. 13558, dated 23rd December 1918.
63	Guledgud		
	Sholapur District.		
64	Barsi	5, 6, 12 and 17 ..	G. N. No. 392-24, dated 11th March 1924.
65	Karmala	5, 6, 12, 14 and 17 ..	G. Ns. No. 1109, dated 5th February 1913, and No. 11089, dated 14th September 1917.
66	Pandharpur		
67	Sangola		
68	Sholapur	5, 6, 12, 14 and 17 ..	G. Ns. No. 7721, dated 19th July 1915, and No. 11089, dated 14th September 1917.
	Satara District.		
69	Ashta	5, 6, 12 and 17 ..	G. N. No. 1109, dated 5th February 1913.
70	Islampur		
71	Karad		
72	Mhasvad		
73	Panchgani		

*Such powers as are assigned to a Mamlatdar under Chapter II of the Cattle-trespass Act, 1871, should be exercised by the Chief Officer of the Dharwar Municipality by virtue of his office (G. O., G. D., No. 3046, dated 1st May 1918).

Serial No.	Municipality of	Sections of the Cattle-trespass Act, 1871, the District Magistrate's functions under which are transferred.	Authority for the transfer.
1	2	3	4
	Satara District—contd.		
74	Rahimatpur	5, 6, 12 and 17 .	G. N. No. 1109, dated 5th February 1913.
75	Satara Suburb		
76	Satara Town		
77	Tasgaon		
78	Vita		
79	Wai	5, 6, 12 and 17 ..	G. N. No. 10140/24, dated 30th April 1928.
80	All the Municipalities in the Satara District (excluding the Mahableshwar Municipality).	14 ..	G. N. No. 10140/24, (*a*), dated 30th April 1928.
	Poona District.		
81	Alandi	5, 6, 12 and 17 ..	G. N. No. 1699-24, dated 21st August 1924.
82	Baramati	5, 6, 12, 14 and 17 ..	G. N. No. A-469, dated 1st December 1920. G. N. No. 7539/28, dated 3rd August 1931.
83	Indapur	5, 6, 12 and 17 ..	G. N. No. 1109, dated 5th February 1913.
84	Jejuri		
85	Junnar	5, 6, 12 and 17 ..	G. N. No. 9619/24, dated 7th September 1927.
86	Sirur	5, 6, 12 and 17 ..	G. N. No. 1109, dated 5th February 1913.
87	Poona City	5, 6, 12, 14 and 17 ..	G. Ns. No. 1109, dated 5th February 1913 and No. 2920, dated 2nd November 1921.
88	Lonavla City	5, 6, 12 and 17 ..	G. N. No. 7155/28, dated 18th May 1931.
89	Talegaon-Dabhade ..	5, 6, 12 and 17 .	G. N. No. 12678, dated 22nd December 1916.
	Ahmednagar District.		
90	Ahmednagar ..	5, 6, 12, 14 and 17 ..	G. Ns. No. 1109, dated 5th February 1913, and No. 1072, dated 29th January 1917.
91	Sangamner . ..		
92	Vambori		
93	Kharda		
94	Bhingar ..	5, 6, 12 and 17 ..	G. N. No. 1109, dated 15th February 1913.

Serial No.	Municipality of	Sections of the Cattle-trespass Act, 1871, the District Magistrate's functions under which are transferred.	Authority for the transfer.
1	2	3	4
	Nasik District.		
95	Igatpuri	5, 6, 12 and 17 ..	G. N. No. 1109, dated 5th February 1913.
96	Malegaon, Sinnar, Trimbak and Bhagur.	5, 6, 12, 14 and 17 ..	G. N. No. 3926/28, dated 7th January 1930.
	Manmad ..	5, 6, 12, 14 and 17 ..	G. N. No. 5768, dated 19th June 1934.
97	Bhagur	5, 6, 12, 14 and 17 ..	G. N. No. 8878/24, dated 2nd June 1927.
98	Nasik City	5, 6, 12, 14 and 17 ..	G. N. No. 11485, dated 24th September 1917.
99	Yeola City	5, 6, 12, 14 and 17 ..	G. N. No. 2757-D, dated 28th October 1921.
	West Khandesh District.		
100	Betavad	5, 6, 12, 14 and 17 ..	G. N. No. 1109, dated 5th February 1913.
101	Dhulia		
102	Shahada		
103	Shirpur		G. Ns. No. 7417/28, dated 21st July 1931 and 28th December 1931.
104	Sindkheda		
105	Taloda		
106	Nandurbar	5, 6, 12, 14 and 17 ..	G. N. No. 5986, dated 14th June 1916.
	East Khandesh District.		
107	Amalner ..	5, 6, 12, 14 and 17 ..	G. Ns. No. 1109, dated 5th February 1913 and No. 14397, dated 8th December 1919.
108	Chalisgaon	5, 6, 12, 14 and 17 ..	G. N. No. 1018/28, dated 27th July 1928.
109	Bhusaval	4 ..	G. N. No. 6951/24, dated 15th October 1926.
		5, 6, 12, 14 and 17 ..	G. N. No. 6951/24, (a), dated 15th October 1926.
110	Chopda	5, 6, 12, 14 and 17 ..	G. Ns. No. 1109, dated 5th February 1913, and No. 14397, dated 8th December 1919.
111	Parola		
112	Yawal ..		
113	Dharangaon	5, 6, 12, 14 and 17 ..	G. Ns. No. 1109, dated 5th February 1913, and No. 2885, dated 20th March 1919.
114	Erandol	5, 6, 12, 14 and 17 ..	G. Ns. No. 1358-24, dated 18th July 1924 and 30th March 1925.
115	Faizpur	5, 6, 12, 14 and 17 ..	G. N. No. 14397, dated 8th December 1919.
116	Jalgaon	5, 6, 12, 14 and 17 ..	G. Ns. No. 1109, dated 5th February 1913, and No. 5276, dated 27th June 1922.
117	Raver	5, 6, 12, 14 and 17 ..	G. N. No. 14397, dated 8th December 1919.

(b) *Transfer of Functions under the Act to District Local Boards.*

Serial No.	District Local Boards.	Sections of the Act the Local Government functions under which are transferred.	Authority for the transfer.
1	2	3	4
1	All District Local Boards except the District Local Board of Ahmedabad established under the Bombay Local Boards Act, 1923.	7, 12 and 18 ..	G. Ns. Nos. 2960/24 (*b*), 2960/24 (*c*) and 2960/24 (*d*), dated 30th March 1925.

Serial No.	District Local Boards.	Sections of the Act the District Magistrate's functions under which are transferred.	Authority for the transfer.
1	2	3	4
2	All District Local Boards except the District Local Board of Ahmedabad established under the Bombay Local Boards Act, 1923.	4, 6 and 12 ..	G. Ns. Nos. 2960/24 (*a*) and 2960/24 (*c*), dated 30th March 1925, and No. 2960/24 (*e*), dated 26th September 1925.
2(*a*)	All District Local Boards in the Presidency proper established under the Bombay Local Boards Act, 1923, except the District Local Boards of Kaira and Poona.	14 ..	Government Notifications No. 2960/24, dated 11th August 1926, No. 10071/24, dated 8th December 1927 and No. 9387/28, dated 25th August 1932.

Serial No.	District Local Boards	Sections of the Act the Local Government functions under which are transferred.	Authority for the transfer
1	2	3	4
	All District Local Boards in the Presidency proper established under the Bombay Local Boards Act, 1923, except the District Local Boards of Kaira and Poona.	17 ..	Government Notifications No. 2960/24, dated 11th August 1926, No. 10071/24, dated 8th December 1927 and No. 9387/28, dated 25th August 1932.
2(*b*)	All District Local Boards in the Presidency of Bombay.	5 ..	Government Notifications No. 2960/24, dated 10th December 1926 and No 2960/24, dated 26th October 1934.

(*c*) *Transfer of Functions under the Act to Notified Area Committees.*

Serial No.	Notified Area Committee at	Sections of the Act the District Magistrate's functions under which are transferred.	Authority for the transfer.
1	2	3	4
	Kolaba District.		
1	Karjat ..	5, 6, 12 and 17..	G. N. No. 3503, dated 29th March 1916.
	Belgaum District.		
2	Nandgaon ..	5, 6, 12 and 17..	G. N. No. D. 129, dated 24th April 1920.
	Nasik District.		
3	Manmad ..	5, 6, 12 and 17..	G. N. No. 5768, dated 18th August 1922.
	East Khandesh District.		
4	Chalisgaon ..	5, 6, 12 and 17..	G. N. No. 1109, dated 5th February 1913.
5	Jamner ..	5, 6, 12, 14 and 17.	G. Ns. No. 9177, dated 10th September 1918 and No. 14397, dated 8th December 1919.
6	Pachora ..	5, 6, 12, 14 and 17.	G. Ns. No. 10054, dated 21st September 1915 and No. 14397, dated 8th December 1919.
	Dharwar District.		
7	Annigeri ..	5, 6, 12, 14 and 17.	Government Notification No. 4612/28, dated 12th May 1930.

(*d*) *Transfer of functions under the Act to Cantonment Authorities.*

Serial No.	Cantonment Authorities.	Sections of the Act under which and authority whose functions are transferred.	Authority for the transfer.
1	2	3	4
1	All Catonment Authorities (except that at Aden).	Functions of the District Magistrate under sections 4, 5, 6, 12, 14 and 17.	Government Notification No. 1068, dated 29th March 1887 and Government Resolution No. 4006, dated 1st July 1887.
2	Do. ..	Functions of the Local Government under sections 7, 12 and 18.	Government Notification No. 6204/28, dated 3rd July 1931.

(*e*) *Transfer of Functions under the Act to Village Panchayats.*

Serial No.	Village Panchayats.	Sections of the Act the District Magistrate's functions under which are transferred.	Authority for the transfer.
1	2	3	4
1	Village Panchayats constituted under the Bombay Village Panchayats Act, 1920.	5, 6, 12, 14 and 17.	G. N. No. 2015, dated 9th August 1921.

(*f*) *Transfer of the power to write-off irrecoverable fines.*

All local authorities to which the power of the District Magistrate under section 12 of the Act has been delegated are empowered to write-off irrecoverable fines [G. R. No. 4942/24, dated 30th April 1926].

CHAPTER V.

MISCELLANEOUS.

Application of the Indian Forest Act, 1878.—Cattle may be impounded also under the Indian Forest Act, 1878. Sections 69 and 70 of that Act are as follows :—

69. Cattle trespassing in a reserved forest or in any portion of a protected forest which has been lawfully closed to grazing shall be deemed to be cattle doing damage to a public plantation within the meaning of the 11th section of the Cattle-trespass Act, 1871, and may be seized and impounded as such by any Forest-officer or Police-officer.

70. The local Government may from time to time, by notification in the local official Gazette, direct that in lieu of the fine fixed by the 12th section of the Act last aforesaid, there shall be levied for each head of cattle impounded under section 69 of this Act such fines as it thinks fit, but not exceeding the following, that is to say :—

For each elephant	Ten rupees.
For each buffalo or camel	Two rupees.
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer	One rupee.
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid	Eight annas.

The general scale of fines prescribed under section 12 of the Cattle-trespass Act 1871, has been reproduced in Chapter II of this part of the Manual. Several notifications have been issued by the Government of Bombay for different areas in exercise of the power conferred by section 70 of the Indian Forest Act, 1878.

2. *What amounts to trespass.*—The accused forcibly opposed the seizure of their cattle by village officers who found them grazing in a reserved forest. The Second Class Magistrate acquitted them on the ground that there was no trespass, as the cattle had not gone into the reserved forest of themselves but had been driven into it by the accused. *Held*, reversing the order of the acquittal, that under section 69 of the Indian Forest Act, 1878, and section 11 of the Cattle-trespass Act, 1871, the cattle were liable to seizure. (C. R. 22 of 1892.)

3. *Cattle straying in a Reserved Forest.*—Section 11 of the Cattle-trespass Act, 1871, in which the words "or found straying thereon", occur, having been applied to forest by section 69 of the Forest Act, the seizure by a Forest officer of cattle found straying in a reserved forest is legal even if no damage has actually been done. (C. R. 35 of 1897.)

4. *Compensation for damage in case of conviction under section 24 of the Cattle-trespass Act,* 1871.—The accused was charged before a Third Class Magistrate with the offence of forcibly rescuing cattle lawfully seized while grazing in a forest and convicted under section 24 of the

Cattle-trespass Act, 1871, and sentenced to pay Rs. 5 as fine and Rs. 2 in addition as compensation for the damage done to the forest. The fine and the compensation were recovered and credited to Government. *Held* that the order directing payment of compensation, which was apparently passed under section 545 of the Criminal Procedure Code, 1898, was illegal, as such compensation could only be ordered to be paid out of the amount of the fine. The order of the Magistrate was accordingly varied by directing that the amount of Rs. 2 paid as compensation be restored to the accused and that such compensation should be paid out of the fine imposed. (C. R. 12 of 1903.) *Vide* also para. 16 on p. 39 *post.*

5. *Pounds for Circles of Villages.*—Where practicable, the necessity for bringing stray animals from beyond municipal limits to municipal pounds should be obviated by establishing pounds for circles of villages in convenient situations. (G. R., G.D., No. 3498, dated 10th October 1873.)

6. *Authority to set aside sales of cattle.*—No authority is vested by the Cattle-trespass Act, 1871, in any officer to set aside sales of cattle under the Act. (L. R. No. 142, dated 27th January 1885 : G. R., G. D., No. 432, dated 7th February 1885.)

7. *Farming out Cattle Pounds to Contractors.*—The system of farming out cattle-pounds to contractors is objectionable, inasmuch as it seems to hold out direct encouragement to the contractor to abet, or connive at, illegal seizure. The system is not recognised by the Cattle-trespass Act, and is opposed to the spirit of that Act, though it may not be expressly prohibited. (G.I., H.D., No. 5-337, dated 11th March 1891 : *Vide* G.R., G.D., No. 1141, dated the 31st *idem.*)

8. *Circumstances justifying increase in number of Cattle Pounds for Protection of Forests.*—It is only in the opener parts of a district, as, for instance, on the sea-board of the coast talukas, that there would appear to be heavy pressure on the grazing area resulting in frequent cattle-trespass in forests and impounding of cattle. In the latter area alone, if anywhere, would it seem, in these circumstances, justifiable to increase the number of cattle-pounds. The difficulty experienced in effecting the impounding of cattle should be met by a more frequent use of section 67 of the Indian Forests Act, 1878 (relating to compounding of forest offences) instead of by the provision of more pounds. (G.R. No. 1618, dated 15th February 1909.)

9. *Debit of the cost of Cattle Pounds opened solely in the interests of the Forest Department.*—There will be no objection to the cost of the construction and repairs of such pounds being debited to the Forest Department, provided the work is actually carried out by it, but the cost of maintenance or the net deficit on the working of the pounds cannot be debited to that Department. If, however, an account were kept of the working of such pounds, it would probably be practicable to make up to Local Funds the net loss incurred on them. (G.R. No. 1618, dated 15th February 1909.)

10. *Protection of Forests against cattle-trespass by raising and lowering Grazing Fees.*—The raising and lowering of the grazing fees should be

adopted as a means for protecting forest proper from cattle-trespass. Where the trespassing of village cattle in forest is persistent, the fees should be doubled, and doubled again if one doubling has no effect, and should be halved if the trespassing materially decreases, and remitted altogether if it ceases, provided that the protection of the forest is in other respects satisfactory. The reduction or remission of fees should be for a prescribed number of years only, not for indefinite periods; and on the expiration of the term of reduction or remission, the standard fees should be levied, as in villages in which no enhancement or reduction or remission has been necessary. If the trespassing recommences to a considerable extent, enhanced fees should be again imposed. There is reason to hope that people will learn to respect the forest proper if they have to pay for trespassing and are rewarded for abstaining from trespass. It should be found practicable to make the doubling or quadrupling, or the halving or remitting, of the fee apply equally to all cattle, whether village or non-village, admitted to graze in any area in respect to which such alteration of the fees has been ordered. (G.R. No. 8952, dated 15th September 1909.)

11. *Which offence under the Cattle-trespass Act, 1871, is punishable with whipping.*—An offence under section 24 of the Cattle-trespass Act, 1871 (forcibly opposing the seizure of trespassing cattle or rescuing the same) is punishable with whipping in accordance with the provisions of the Whipping Act, 1909 (IV of 1909) if it is abetted, committed or attempted by a juvenile offender. (G. O.'s, J.D., No. 1894, dated 16th March 1915 and No. 140, dated 9th January 1917). *Vide* paragraph 17 *infra* for imprisonment as a punishment.

12. *Fines creditable to Cantonment Funds.*—Fines levied and recovered in cantonments under the Cattle-trespass Act, 1871, should be credited to Cantonment Funds. (G.O., G.D., No. 6235, dated 11th August 1915.)

13. *Apportionment between Government and Municipalities of the cost of Benches of Honorary Magistrates in respect of cases tried by them.*—In every mofussil municipality in which a rateable deduction on account of the cost of the Court is made from the sum total of fines levied and credited to the municipality, cases under the Cattle-trespass Act, 1871, in which the offence was committed within municipal limits should be classed as municipal cases for the purpose of calculating the proportion in which such deduction should be made. (G.R., F.D., No. 1270, dated 25th March 1918.)

14. *Responsibility of an absentee owner of trespassing cattle.*—Regarding the criminal responsibility of an absentee owner of cattle for the acts of his servants in permitting cattle entrusted to their care to trespass, it should be noted that a master is in general criminally liable for the criminal acts of his servant only if he abets them. Section 26 of the Cattle-trespass Act, 1871 (when made applicable by the local Government to cattle), would render the owner of cattle liable for any trespass committed by his cattle if he allowed his cattle to trespass on any particular land and, through neglect or otherwise, caused or permitted the land or its produce to be thereby damaged. This section

applies to any land and the penalty may be (and has been for certain areas) raised to Rs. 50. Section 25 (*d*) of the Indian Forest Act, 1878, makes it an offence to permit cattle to trespass in a reserved forest. In the case of both these enactments, if a competent herdsman were employed it would be necessary, before an absent owner could be convicted, to prove at least that he had reason to believe that offence was likely to be committed and wilfully neglected to take proper precautions against it. It will be noted that section 54 of the Forest Act prescribes that cattle used in committing a forest offence may be confiscated; this would subject the owner to considerable loss and should have as much effect as any other penalty. (G.O. No. 621, dated 21st January 1919.)

15. *List of local areas for which the imposition of penalty for damage caused by trespassing cattle is sanctioned.*—A complete list of the areas notified under section 26 of the Cattle-trespass Act, 1871 (sanctioning penalty for damage caused by trespassing cattle) should be issued and kept up to date. (G.R. No. 1577-24, dated 25th February 1926.)

16. *Payment of compensation out of fine.*—For payment of partial compensation out of fine imposed by a Criminal Court, provision exists under section 545 of the Criminal Procedure Code, 1898. Freer use should be made by Magistrates of this power. (G.R. No. 1577-24, dated 25th February 1926.)

17. *Imprisonment not an appropriate punishment.*—Imprisonment is not an appropriate punishment for an offence under the Cattle-trespass Act, 1871 (G. R. No. 1577-24, dated 25th February 1926). *Vide* paragraph 11 of this Chapter regarding whipping as a punishment.

18. *Sending impounded cattle for sale to an adjoining taluka when reasonable prices cannot be obtained locally.*—Where reasonable prices cannot be obtained for impounded cattle, they should be sent to adjoining talukas for sale. (G.R. No. 1577-24, dated 25th February 1926.)

19. *Establishment of Cattle Pounds by Village Panchayats.*—It is the duty of a village panchayat to manage and maintain the cattle pounds under section 20 (1) (*c*) of the Village Panchayats Act, 1920. District Magistrates, in whom vests the power to establish pounds under section 4 of the Cattle-trespass Act, 1871, will consider favourably applications in this behalf received from panchayats within their local areas. (G.R. No. 1577-24, dated 25th February 1926.)

ALPHABETICAL INDEX.

A

PAGES

ABSTRACT OF PROCEEDINGS.
—— of the Imperial Legislative Council underlying the Bill which emerged as the Cattle-trespass Act, 1871 ix
—— of the Imperial Legislative Council underlying the Bill which emerged as the Cattle-trespass Act, 1891 xii

ACT (S).
Cattle-trespass — 1871, as amended 1
Proceedings underlying — .. .. ix—xxi
Statement of amendments of the Cattle-trespass —, 1871 xxi
Statements of objects and reasons relating to — vii

ADVANCE (S).
—— to pound-keepers for meeting, feeding and watering charges .. 16
Adjustment of — 16

APPOINTMENT.
—— of pound-keepers 2

ASS.
Fine for the trespass of — 16

ASSISTANT COLLECTORS.
—— to examine cattle pound registers and accounts 18

AUCTION.
—— of unclaimed cattle 6

AVAL KARKUN.
—— may be nominated to conduct sales of impounded cattle 25

B

BUFFALO.
Fine for the trespass of — 16

BULL.
Fine for the trespass of — 16

BULLOCK.
Fine for the trespass of — 16

C

CALF.
Fine for the trespass of — 16

CAMEL.
Fine for the trespass of — 16

CANALS.
Authority to seize cattle damaging — 4

CANTONMENT.
—— Authorities, powers of, ... 35
—— Funds, credit of fines to, ... 38

C—*contd.* PAGES

CATTLE.
Interpretation of the term — 2

Vide also " IMPOUNDED CATTLE " and " TRESPASSING CATTLE ".

CATTLE POUND (S).
Power to establish — 2
Control of — 2
Funds from which expenses of construction and maintenance of — should be paid 7
Rules for the management of — 15
Forms for the management of — 20
Examination of — registers and accounts by Assistant Collectors and Mamlatdars 18
Disposal of surplus receipts from the management of — 26
—— for circles of villages 37
Farming out — to contractors.. 37
Circumstances justifying increase of — 37
Debit of cost of — established for protection of forests 37
Establishment and management of — by village panchayats 39

CATTLE POUND FUND.
Advance to be granted to pound-keepers from the — 16
Credit of penalties to the — 18
Credit of sale-proceeds of cattle to the — 18

CHARGES.
—— legally leviable 25

CIVIL COURT.
Power of a — to order release of impounded cattle 7
Vide also " Suits ".

COMMISSIONERS, REVENUE.
Powers of the — 15, 25

COMPENSATION.
—— for illegal seizure or detention of cattle 8
Recovery of — 8
Appropriation of fines as — for loss or damage 10
Saving of right to sue for — 10
—— for damage 36
—— to be paid out of fine 37, 39

COMPLAINTS.
—— of illegal seizure or detention of cattle 7
Persons authorized to lodge — 7, 8
Officers authorized to try — 8

COMPOUNDING.
—— of cattle-trespass offences in forests 37

CONFISCATION.
—— of trespassing cattle 39

CONTRACTORS.
Farming out of cattle pounds to — 37

COOLIES.
Illegality of charges of — employed on seizing trespassing cattle .. 25

COLT.
Fine for the trespass of — 15, 16

COW.
Fine for the trespass of — 15, 16

D

PAGES

DAMAGE.
When — not required to be proved 4, 36
Compensation for — 36
List of local areas for which the imposition of penalty for — caused by trespassing cattle is sanctioned .. .. 39.

DELIVERY.
—— of impounded cattle 5

DEPOSIT.
—— of contested fines and charges 6
—— of surplus unclaimed proceeds of impounded cattle 7
Notice to be issued by the Mamlatdar for inviting claimants to money in —. 18
Disposal of claims to money in — 18

DISTRICT LOCAL BOARDS.
Vide "LOCAL AUTHORITIES" and "POWERS OF LOCAL AUTHORITIES".

DISTRICT MAGISTRATE.
Vide "Powers of the District Magistrate".

DRAINAGE WORKS.
Authority to seize cattle damaging — 4

E

ELEPHANT.
Fine for the trespass of — 15, 16

EMBANKMENTS.
Authority to seize cattle damaging — 4

EWE.
Fine for the trespass of — 15, 16

EXCLUSION.
—— of certain areas from the operation of the Cattle-trespass Act, 1871 .. 1

EXTENT.
—— of the Cattle-trespass Act, 1871 1

F

FARMING.
—— out cattle pounds to contractors 37

FEE (S).
Vide "GRAZING FEES".

FEEDING.
Charges for — impounded cattle 2
Payment to the pound-keeper for — charges 7
—— charges not to exceed prescribed rates 17
List of — charges to be posted 17
—— charges when not to be brought to account in the Mamlatdar's books .. 25

FILLY.
Fine for the trespass of — 15, 16

F—*contd.* PAGE

FINES.
Power of the Local Government to prescribe a scale of — for impounded cattle 4
Different scales of — may be prescribed for different areas 5
Disposal of — 5, 7
Posting of a list of — 5, 17
Refusal to pay — 6
Deduction of — from the proceeds of the sale of impounded cattle .. 6
—— to be imposed on pound-keepers 10
Appropriation of — as compensation for loss or damage 10
General scale of — under section 12 of Act I of 1871 15
Increase of — 16
List of — to be posted 5, 17
List of — to be supplied on application 15
—— for trespass in reserved or protected forests 16, 36
Limit up to which — collected can be retained by the pound-keeper in his custody 17
Remittance of — to the Mamlatdar's treasury 17
—— to be brought to account in books 25
Compensation to be paid out of — 37, 39
Credit of — to cantonment funds 38
Power to write off — 35

FOREST (S).
Fines for trespass in reserved or protected — 16, 36
Application of the Indian — Act, 1878 36
No damage required to be proved for seizing cattle trespassing in reserved — 36
Circumstances justifying increase of cattle pounds for protection of — .. 37
Compounding of cattle-trespass offences in — 37
Debit of the cost of cattle pounds opened in the interests of the — Department 37
Protection of — against cattle trespass by regulating grazing fees .. 37

FORMS.
—— relating to the management of cattle pounds in the Presidency .. 20
—— to be stocked at Government presses 26
Supply of — to local authorities 26

FUND (S).
Vide "CATTLE POUND FUND" and "CANTONMENT FUNDS".

G

GRAZING FEES.
Protection against cattle-trespass by the regulation of — 37

GELDING.
Fine for the trespass of — 15, 16

GOAT.
Fine for the trespass of — 15, 16

H

HEIFER.
Fine for the trespass of — 15, 16
Honorary Magistrate, *vide* "MAGISTRATE (S)".

HORSE.
Fine for the trespass of — 15, 16

I

PAGES

IMPOUNDED CATTLE.
Charges for feeding and watering — 2
Fines for — 4
Delivery of — 5, 6
Procedure if — not claimed within a week 5
Auction of unclaimed — 6
Disposal of — otherwise than by auction 5
Procedure if owner refuses to pay fines and charges for — 6
Police officers not to purchase — 7
Release of — on a complaint of illegal seizure or detention 7, 8
Penalty for rescuing — 8
Sale of — to be conducted by officers nominated by the District Magistrate .. 25
Sending — for sale to an adjoining taluka when reasonable prices cannot be obtained locally 39

IMPRISONMENT.
——not an appropriate punishment for offences under the Cattle-trespass Act, 1871 39

IRRECOVERABLE FINES.
Power to write off — 35

K

KID.
Fine for the trespass of — 15, 16

L

LAMB.
Fine for the trespass of — 15, 16

LOCAL AUTHORITY (IES).
Interpretation of the term — 2
Supply of cattle pound forms to — 26
Surplus receipts to be paid to — 26
Vide also "Powers of Local Authorities."

LOCAL FUND (S).
Interpretation of the term — 2
Debit to — of the cost of pound keepers' receipt-books 26

M

MAGISTRATE (S).
Power of a — to order release of impounded cattle 7
Power of a — to try complaints of illegal seizure or detention of cattle .. 7, 8
Apportionment of the cost of benches of Honorary — 38
Vide also "Powers of the District Magistrate."

MAHALKARI (S).
Vide "Mamlatdars."

MAMLATDAR (S).
Procedure for remitting fines, etc., to — 17
Disposal of fines, etc., by — 18
Notice to be issued by — inviting claimants for money in deposit .. 18
—— to examine cattle pound registers 18
—— nominated by the District Magistrate to conduct sales of impounded cattle 25

MARE.
Fine for the trespass of — 15, 16

M—*contd.* PAGES

MONEY-ORDER.
Use of — in remitting fines to the Mamlatdar's Treasury 17

MUKHTYARKAR.
Vide "Mamlatdar."

MULE.
Fine for the trespass of — 15, 16

MUNICIPALITIES.
Credit to — of sums collected from cattle pounds 18
Apportionment of the cost of Honorary Magistrates' benches between Government and — 38
Vide also "Local Authorities" and "Powers of Local Authorities."

N

NOTIFIED AREA COMMITTEES: *Vide* POWERS OF LOCAL AUTHORITIES.

O

OFFENCES.
Summary trial of — 7, 8

OFFICER OF POLICE.
Interpretation of the term — 1

OWNER.
Responsibility of an — of trespassing cattle 38

P

PATIL (S).
Vide "Pound-keeper (s)."

PENALTY.
—— for forcibly opposing the seizure of cattle 8
—— for rescuing impounded cattle 9
Recovery of — for mischief committed by causing cattle to trespass .. 9
—— for damage caused by trespassing cattle 9
—— on the pound-keeper failing to perform his duties 10
Credit of — 18

PIG.
Fine for the trespass of — 15, 16

PLANTATIONS.
Authority to seize cattle damaging — 4

PLEASURE-GROUNDS.
Authority to seize cattle damaging — 4

POLICE.
—— to aid seizures of trespassing cattle 4
—— to seize cattle damaging public roads, canals, etc. 4
—— to be made aware of impounded cattle not claimed in a week .. 5
Action to be taken by the — on receipt of report of unclaimed cattle .. 5
— officers not to purchase impounded cattle 7
Remittance of cattle pound receipts by the — 17

PONY.
Fine for the trespass of — 15, 16

POUND (S).
Vide "Cattle Pounds."

P—*contd.* PAGES

POUND-KEEPER (S).
Appointment of — 2
Removal of — 3
Suspension of — 3
Ex-officio — 2, 15
Special — 3, 15
—— may hold simultaneously any other office under Government .. 3
—— deemed as a public servant 3
—— to keep registers 3
—— to furnish returns 3
—— to take charge of impounded cattle 3
—— to feed and water impounded cattle.. 3
—— to submit report of impounded cattle not claimed within a week .. 5
Feeding and watering charges to be paid over to — 7
Payment of salaries of — from fines, etc. 7
—— not to purchase impounded cattle 7
Penalty on — failing to perform duties 10
Fines imposed on — to be recovered by deduction from their salaries .. 10
Advance to — for meeting feeding and watering charges 16
Limit upto which the — can retain fines in his custody 17
Remuneration of — 18
Keeping of registers and other documents by illiterate — 18
Period of disbursing the remuneration of — 19
Sanction to bills of remuneration of — 19
Debit of the cost of receipt-books of — 26

POWER (S).
—— to seize and impound trespassing cattle 4
—— Revenue Commissioners 15, 25

POWERS OF THE DISTRICT MAGISTRATE.
—— to establish cattle pounds 2
—— over (the management of) cattle pounds 2
—— to appoint pound-keepers 2
—— to receive fines 5
—— to appoint officers to whom reports of unclaimed cattle should be made 5
—— to receive surplus sale proceeds 7
—— to hear complaints of illegal seizure or detention of cattle 7, 8
—— to increase the limit upto which fines can be retained by a pound-keeper 17
—— to order disposal of money in deposit 17
—— to nominate officers to conduct sales of cattle 25

POWERS OF LOCAL AUTHORITIES.
—— to appoint pound-keepers 3
—— to regulate the disposal of surplus receipts 26
—— to write off fines 35
Powers of Cantonment Authorities 35
Powers of District Local Boards 33
Powers of Municipalities at—
Ahmedabad 28
Ahmednagar 31
Alandi 31
Alibag 29
Amalner 32
Anand 28
Ankleshwar 28
Ashta 30
Bandra 29
Baramati 31
Barsi 30

P—*contd.* PAGES

POWERS OF LOCAL AUTHORITIES—contd.
Powers of Municipalities at—*contd.*
Bassein 29
Belgaum 30
Betavad 32
Bhingar 31
Bijapur 30
Borsad 28
Bulsar 28
Byadgi 30
Chopda 32
Chiplun 29
Dakor 28
Dhandhuka 28
Dharangaon 32
Dharwar 30
Dholera 28
Dholka 28
Dhulia 32
Dohad 28
Erandol 32
Faizpur 32
Gadag Bettigeri 30
Godhra 28
Gogha 28
Gokak 30
Gokarn 29
Guledgudd 30
Haliyal 29
Honavar 29
Igatpuri 32
Ilkal 30
Indapur 31
Islampur 30
Jalgaon 32
Jambusar 28
Jejuri 31
Kapadvanj 28
Kaira 28
Kalyan 29
Karad 30
Karmala 30
Karwar 29
Kharda 31
Kumta 29
Mahad 29
Mahudha 28
Matheran 29
Mhasvad 30
Modasa 28
Nadiad 28
Nandurbar 32
Nasik City 32
Nipani 30
Panchgani 30
Pandharpur 30
Panvel 30
Parola 32
Pen 29
Poona City 31
Prantij 28
Rahimatpur 31
Rander 28
Ranebennur 30

P—*concld.*

PAGES

Ranpur 28
Ratnagiri 29
Raver 32
Roha-Ashtami 29
Sanand 28
Sangamner 31
Sangola 30
Satara Suburb 31
Satara Town 31
Saundatti-Yellama 30
Shahda 32
Shirpur 32
Sholapur 30
Sindkheda 32
Sirsi 29
Sirur 31
Surat 28
Talegaon-Dabhade 31
Taloda 32
Tasgaon 31
Umreth 28
Uran 29
Vambori 31
Viramgam 28
Vita 31
Yaval 32
Yeola City 32
Powers of Notified Area Committees at—
Chalisgaon 34
Jamner 34
Karjat 34
Manmad 34
Nandgaon 34
Pachora 34
Powers of Village Panchayats 2, 3, 35

POWERS OF (THE) LOCAL GOVERNMENT.
—— to exclude local areas from the operation of the Cattle-trespass Act, 1871 1
—— to prescribe registers and returns 3
—— to prescribe scales of fines for impounded cattle 4, 36
—— to dispose of surplus receipts from cattle pounds 7, 11
—— to transfer certain functions to local authorities 10
—— to direct credit of surplus proceeds to local funds 11

POWERS OF VILLAGE PANCHAYATS.
—— to appoint, remove or suspend pound-keepers 3
—— to establish and manage cattle pounds 39

PUBLIC ROADS.
Authority to seize cattle damaging — 4

PRESIDENCY TOWNS.
Exclusion of — from the operation of the Cattle-trespass Act, 1871 .. 1

PROTECTED FOREST (S).
Vide "Forest (S)."

PUBLIC UTILITY.
Application of surplus receipts from cattle pounds to purposes of — .. 7

R

PAGES

RAILWAY.
Cattle trespassing on a — 5
—— included in the definition of "public road" 9

RAM.
Fine for the trespass of — 15, 16

RECEIPT BOOKS.
Debit of the cost of — of pound-keepers 26

RECEIPTS.
Vide "Surplus Receipts."

REGISTER (S).
—— of seizure of cattle 3
Examination of — by Assistant Collectors and Mamlatdars 18

REPEAL.
—— of Acts 1, 11

REPEALED ACTS.
References to — how interpreted 1

REVENUE COMMISSIONERS.
Vide "Revenue Commissioners."

RESERVED FOREST (S).
Vide "Forest (s)."

RULES.
—— relating to the management of cattle pounds in the Presidency .. 15

S

SALARIES.
—— of pound-keepers to be paid from fines, etc. 7
Fines imposed on pound-keepers to be recovered by deductions from their — 10

SALE OF IMPOUNDED CATTLE.
Disposal of proceeds of the — 7, 18
Police officers and pound-keepers not to purchase any cattle at a — .. 7
—— to be conducted by persons nominated by the District Magistrate 25
—— to be brought to account in books 25
Authority to set aside —.. 37
—— in adjoining talukas when reasonable prices cannot be had locally 39

SHEEP.
Fine for the trespass of — 15, 16

STATEMENT OF AMENDMENTS.
—— of the Cattle-trespass Act, 1871 xxi

STATEMENT OF OBJECTS AND REASONS underlying the Bill which emerged as the
—— Cattle-trespass Act, 1871 vii
—— Cattle-trespass (Amendment) Act, 1891 vii
—— Cattle-trespass (Amendment) Act, 1921 vii
—— Cattle-trespass (Amendment) Act, 1924 viii
—— Cattle-trespass (Amendment) Act, 1926 viii

S—*contd.*

PAGES

SUITS.
Saving of right to bring — for compensation for loss or damage caused by trespassing cattle 10
Set off of compensation awarded in a — from compensation awarded by a Magistrate 10

SURPLUS RECEIPTS.
Disposal of — from the management of cattle pounds 26
—— to be disposed of as the Local Government may direct .. 26
—— to be paid to local bodies 26

T

TALATI.
Employment of the — by an illiterate pound-keeper for writing registers and other documents 18
Responsibility of the — for the correctness of documents 18

TRESPASS.
What amounts to cattle — 36
Vide also "Trespassing Cattle".

TRESPASSING CATTLE.
Power to seize and impound — 4
Police to aid seizures of — 4
——, after being seized, should be sent to the nearest cattle pound within 24 hours 4
Penalty for damage caused by — 9
Saving of right to sue for loss or damage caused by — 10
Illegality of charges for coolies employed on seizing — 25
Protection of forests against — by regulating grazing fees 37
Responsibility of an absentee owner of — 38
Confiscation of — 39
List of places for which the imposition of penalty for damage caused by — is sanctioned 39

V

VILLAGE PANCHAYATS.
Power of — to appoint pound-keepers 3
Power of — to establish and manage cattle pounds 39
Duty of — to manage and maintain cattle pounds 39
Disposal of applications from — to establish cattle pounds 39

W

WATERING.
Charges for — impounded cattle 2
Payment to the pound-keeper for — charges 7
—— charges not to exceed prescribed rates 17
List of — charges to be posted 17
—— charges when not to be brought to account in the Mamlatdars' books 25

WHIPPING.
Offences punishable with — 38

WRITE-OFF.
Power to — irrecoverable fines 35

CHRONOLOGICAL INDEX.

TO

G. N.'s, G. R.'s, etc.

	Pages
1872	
G. R., G. D., No. 1725, dated 22nd April	25
G. R., G. D., No. 2118, dated 27th May	25
G. R., G. D., No. 2612, dated 2nd July	25
G. R., G. D., No. 3933, dated 10th August	15
1873	
G. R., G.D., No. 3498, dated 10th October	37
1876	
G. R., G. D., No. 3, dated 3rd January	15
G. R., G. D., No. 2201, dated 19th July	25
1877	
G R., G. D., No. 1161, dated 12th April	15
1878	
G. R., G. D., No. 1653, dated 24th May	25
G. R., G. D., No. 3377, dated 6th November	25
1885	
G. R., G. D., No. 432, dated 7th February	37
1887	
G. R. No. 383, dated 17th January	26, 28
G. N. No. 383-A., dated 17th January	27
G. N. No. 1847, dated 25th March	28
G. N. No. 1968, dated 29th March	35
G. R. No. 4006, dated 1st July	35
1888	
G. R., G. D., No. 1394, dated 2nd May	25
1889	
G. N., G. D., No. 4082, dated 1st October	28
1890	
G. N., G. D., No. 1206, dated 25th March	28
1891	
G. R., G. D., No. 1141, dated 31st March	37
1897	
G. R., G. D., No. 6949, dated 14th December	26

1906 — Pages.

G. N. No. 8337, dated 30th August 28
G. N. No. 8438, dated 31st August 29

1908

G. N. No. 2792, dated 16th March 27

1909

G. R. No. 1618, dated 15th February 37
G. R. No. 8952, dated 15th September 38

1910

G. R. No. 11141, dated 7th December 17, 24

1911

G. R. No. 5379, dated 2nd June 15
G. N. No. 6052-A, dated 26th June 27
G. R. No. 9962, dated 25th November 26

1913

G. N. No. 1109, dated 5th February 31, 31, 34
G. N. No. 3420, dated 11th April 15
G. N. No. 9619, dated 21st October 29, 30

1914

G. N. No. 1120, dated 4th February 28
G. N. No. 1577, dated 18th February 27

1915

G. N. No. 7574, dated 14th July 27
G. N. No. 7721, dated 19th July 30
G. N. No. 10054, dated 21st September 34
G. N. No. 12786, dated 1st December 29

1916

G. N. No. 340, dated 11th January 30
G. N. No. 1167, dated 31st January 28
G. N. No. 3503, dated 29th March 34
G. N. No. 4328, dated 20th April 29
G. N. No. 5986, dated 14th June 32
G. O. No. 11465, dated 24th November 19
G. N. No. 12678, dated 22nd December 31

1917

G. N. No. 1072, dated 29th January 31
G. O. No. 2289, dated 24th February 19
G. N. No. 11089, dated 14th September 30
G. N. No. 11485, dated 24th September 32

1918

G. N. No. 563, dated 19th January 29
G. N. No. 4584, dated 22nd April 29
G. O., G. D., No. 3046, dated 1st May 30
G. O. No. 7485, dated 18th July 19
G. N. No. 9177, dated 10th September 34
G. N. No. 13422, dated 20th December 29
G. N. No. 13557, dated 23rd December 30
G. N. No. 13558, dated 23rd December 30

1919

	Pages
G. O. No. 621, dated 21st January	39
G. N. No. 2885, dated 20th March	32
G. N. No. 5966, dated 12th June	30
G. O. No. 11917, dated 8th November	17
G. N. No. 14397, dated 8th December	32, 34
G. N. No. 14795, dated 19th December	30

1920

G. N. No. D-129, dated 24th April	34
G. O. No. 1442, dated 10th May	17
G. N. No. A-469, dated 1st December	31

1921

G. N. No. 2015, dated 9th August	35
G. N. No. 2757-D, dated 28th October	32
G. N. No. 2920, dated 2nd November	31

1922

G. N. No. 5276, dated 27th June	32
G. N. No. 5768, dated 18th August	34

1924

G. N. No. 392/24, dated 11th March	30
G. R. No. 2192, dated 29th March	16
G. N. No. 1358/24, dated 18th July	32
G. R., G. D., No. 4453, dated 19th August	27
G. N. No. 1699/24, dated 21st August	31

1925

G. N. No. 1358/24, dated 30th March	32
G. N. No. 2960/24 (*a*), dated 30th March	33
G. N. No. 2960/24 (*b*), dated 30th March	33
G. N. No. 2960/24 (*c*), dated 30th March	33
G. N. No. 2960/24 (*d*), dated 30th March	33
G. N. No. 2960/24 (*a*), dated 26th September	33

1926

G. R. No. 4759/24, dated 9th February	26
G. N. No. 5810/24, dated 16th February	29
G. R. No. 1577/24, dated 25th February	16, 39
G. R. No. 4942/24, dated 30th April	35
G. R. No. 6278/24, dated 28th June	
G. N. No. 2960/24, dated 11th August	33
G. N. No. 6951/24, dated 15th October	32
G. N. No. 6951/24 (*a*), dated 15th October	32
G. N. No. 7606/24, dated 4th December	
G. N No. 2960/24, dated 10th December	34

1927

G. N. No. 8267/24, dated 28th March	
G. N. No. 8878/24, dated 2nd June	32
G. N. No. 9619/24, dated 7th September	31
G. N. No. 10071/24, dated 8th December	33

	Page
1928	
G. N. No. 10140/24, dated 30th April	31
G. N. No. 10140/24 (*a*), dated 30th April	31
G. R. No. 1714/24, dated 2nd July	19
G. N. No. 910/28, dated 14th July	29
G. N. No. 1018/28, dated 27th July	32
1929	
G. N. No. 2633/28, dated 4th June	29
G. N. No. 3650/28, dated 15th November	29
G. N. No. 3778/28, dated 2nd December	29
G. N. No. 3591/28, dated 3rd December	27
1930	
G. N. No. 3926/28, dated 7th January	32
G. N. No. 3974/28, dated 7th January	30
G. N. No. 4612/28, dated 12th May	34
G. N. No. 4926/28, dated 18th June	30
G. N. No. 6031/28, dated 4th November	29
G. N. No. 6204/28, dated 5th December	16
1931	
G. R. No. 5998/28, dated 5th May	23
G. N. No. 7155/28, dated 18th May	31
G. N. No. 6204/28, dated 3rd July	35
G. N. No. 7417/28, dated 21st July	32
G. N. No. 7539/28, dated 3rd August	31
G. N. No. 7417/28, dated 28th December	32
1932	
G. N. No. 9387/28, dated 25th August	33
1933	
G. N. No. 1013/33, dated 17th August	30
1934	
G. N. No. 5768, dated 19th June	32
G. N. No. 2960/24, dated 26th October	34
1935	
G. N. No. 3662/33, dated 1st May	30
G. N. No. 3732/33, dated 10th May	29
1936	
G. N. No. 5810/24, dated 14th January	29

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.